

APR 17 1995

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: ADDING SECTION 2.2 (ASSISTANCE OR REPRESENTATION BY STAFF); AMENDING SECTION 3.2 (DEFINITIONS); SECTION 3.3 (ABBREVIATIONS AND ACRONYMS); SECTION 4.3 (ZONING COMMISSION); SECTION 4.5 (BOARD OF ADJUSTMENT); SECTION 4.6 (TRAFFIC PERFORMANCE APPEALS BOARD); SECTION 4.7 (DEVELOPMENT REVIEW APPEALS BOARD); SECTION 4.8 (IMPACT FEE REVIEW COMMITTEE); SECTION 4.9 (IMPACT FEE APPEALS BOARD); 4.10 (ENVIRONMENTAL APPEALS BOARD); 4.11 (ENVIRONMENTAL ORDINANCE APPEALS BOARD); 4.12 (ENVIRONMENTAL CONTROL HEARING BOARD); 4.13 (GROUND WATER AND NATURAL RESOURCES PROTECTION BOARD); 4.14 (CODE ENFORCEMENT BOARD); 4.30 (HISTORIC RESOURCES REVIEW BOARD); SECTION 5.2 (SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS); SECTION 5.3 (OFFICIAL ZONING MAP AMENDMENT); SECTION 5.5 (SPECIAL USE PERMITS); SECTION 5.6 (SITE PLAN AND FINAL SUBDIVISION PLAN); SECTION 5.7 (VARIANCES); SECTION 6.2 (DISTRICT PURPOSES); SECTION 6.4 (USE REGULATIONS AND DEFINITIONS); SECTION 6.5 (PROPERTY DEVELOPMENT REGULATIONS); SECTION 6.6 (SUPPLEMENTARY REGULATIONS); SECTION 6.7 (OVERLAY DISTRICT REGULATIONS); SECTION 6.8 (PLANNED DEVELOPMENT DISTRICT REGULATIONS); SECTION 7.2 (OFF-STREET PARKING AND LOADING); SECTION 7.3 (LANDSCAPING AND BUFFERING); SECTION 7.6 (EXCAVATION); SECTION 7.7 (DRIVEWAY AND ACCESS); SECTION 7.8 (MISCELLANEOUS STANDARDS); SECTION 7.9 (TRAFFIC PERFORMANCE STANDARDS); SECTION 7.17 (HISTORIC PRESERVATION); SECTION 10.1 (GENERAL); SECTION 10.2 (COUNTY DISTRICT REGIONAL AND BEACH PARKS IMPACT FEE); SECTION 10.3 (FIRE RESCUE IMPACT FEE); SECTION 10.4 (LIBRARY IMPACT FEE); SECTION 10.5 (LAW ENFORCEMENT IMPACT FEE); SECTION 10.6 (LAW ENFORCEMENT IMPACT FEE); SECTION 10.7 (SCHOOL SITE ACQUISITION IMPACT FEE); SECTION 10.8 (FAIR SHARE ROAD IMPACT FEE); SECTION 11.1 (GENERAL); SECTION 11.2 (LOS STANDARDS); SECTION 11.4 (PROCEDURE FOR REVIEW OF ADEQUATE PUBLIC FACILITIES); SECTION 11.5 (ENTITLEMENT DENSITY); SECTION 11.6 (CONCURRENCY EXEMPTION EXTENSION); SECTION 12.4 (PROCEDURE FOR REVIEW OF DEVELOPMENT AGREEMENT); SECTION 12.12 (PERIODIC REVIEW); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was recently adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Board of County Commissioners mandated that staff conduct periodic reviews of the Unified Land Development Code to evaluate the Code and make proposals on outstanding and new issues; and

WHEREAS, the Board of County Commissioners directed staff, through Comprehensive Plan amendment 94-1, to prepare amendments to address agricultural

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March 24, 1995



1 uses allowed in the Urban Services Area.

2 WHEREAS, the Board of County commissioners has determined that amendments  
3 to certain impact fees established by this Ordinance are derived from, based upon, but  
4 do not exceed the costs of providing adequate public facilities necessitated by the new  
5 land developments for which fees are levied; and

6 WHEREAS, chapter 163, Florida Statutes, provides that a chartered County may  
7 exercise such authority regarding impact fees over municipalities as provided for in its  
8 charter; and

9 WHEREAS, staff solicited recommendations from a mailing list of over one  
10 hundred interested parties throughout the community and the Citizens' Task Force  
11 reviewed the recommendations and reached a consensus on the issues, staff is ready to  
12 proceed with necessary code amendments; and

13 WHEREAS, the Board of County Commissioners determines that the amendment  
14 will improve the procedures and standards of the Unified Land Development Code; and

15 WHEREAS, the Board of County Commissioners, sitting as the Land  
16 Development Regulation Commission, finds this amendment is consistent with the  
17 adopted Comprehensive Plan and clarifies existing regulations; and

18 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
19 COMMISSIONERS OF PALM BEACH COUNTY, THAT:

20 **PART 1.** Sections of the Unified Land Development Code are amended as follows:

21 Subpart. Section 2.2, Assistance and Representation by Staff is added to Article 2,  
22 Interpretations, as follows:

23 **SEC 2.2** Assistance Or Representation By Staff. Any assistance given or  
24 representation made by any member of the staff during  
25 consultation shall not constitute the approval of the Department,  
26 shall not bind the staff, the Department, the Division, the  
27 Executive Director, or the Board of County Commissioners, and  
28 shall not relieve any person of any requirements of this Code, or  
29 other applicable provisions of federal or state law or local  
30 ordinances. If there exists a conflict between any staff  
31 representation and the laws, rules, codes or ordinances, such laws,  
32 rules, codes or ordinances shall prevail. Nothing herein shall  
33 authorize any change to the administrative interpretations of the  
34 Code.

35 Subpart. Section 3.2, Definitions; Affordable housing is amended to delete standards and  
36 reference appropriate document containing standards and add language as follows:

37 Affordable housing means a dwelling unit for which a household spends no more  
38 than thirty percent of its gross income for housing costs. Rental housing costs  
39 include contract rent and utilities. Owner occupied housing costs include mortgage  
40 principle and interest, property taxes, insurance, and, where applicable,  
41 homeowner's association fees. The current median income for Palm Beach  
42 County and income categories established within the Comprehensive Plan are is  
43 available at the Planning Division. Income categories established within the  
44 Comprehensive Plan are:-

45 1. ~~Very low a family of four that earns less than fifty (50) percent of the~~

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County's median income;

2. ~~Low a family of four that earns between fifty (50) percent and eighty (80) percent of the County's median income;~~
3. ~~Moderate a family of four that earns between eighty (80) percent and one hundred and twenty (120) percent of the County's median income.~~

Subpart.

Section 3.2, Definitions; Agriculture, bona fide is amended to relocate standards to Sec. 6.4.D.6, and add language as follows:

**Agriculture, bona fide** means any plot of land where the principal use is bona fide agricultural, meaning the raising of crops inclusive of organic farming or animals inclusive of aquaculture or production of animal products such as eggs or dairy products inclusive of apiculture, or a retail or wholesale nursery on an agricultural or commercial basis. Criteria for determining bona fide agriculture is found in Sec. 6.4.D.6. Supplementary use standards.

~~A determination as to whether the use of the land for agriculture is bona fide shall only be made where both 1 and 2 below are met. Criteria listed in item 3 below shall be used as guidelines in the determination.~~

~~1. Designation criteria...~~

Subpart.

Section 3.2, Rules of Construction and Definitions; Definitions, is amended to insert alphabetically and add a definition as follows:

**Air Stripper Tower (Remedial System).** means a temporary accessory petroleum contamination remedial system which treats contaminated groundwater from a site and treated groundwater is then reintroduced into the aquifer using an on-site recharge mechanism. A typical system includes air stripper towers or shallow tray aerator and infiltration gallery, groundwater recovery wells, and an aboveground centrifugal pump.

Subpart.

Section 3.2, Rules of Construction and Definitions; Definitions, is amended to insert alphabetically and add a definition as follows:

**Aviculture** means the breeding, raising and care of birds.

Subpart.

Section 3.2, Definitions; Beach compatible sand is amended to delete and relocate standards to Sec.9.1, Coastal Protection, as follows:

**Beach compatible sand** means any sand that is similar to the native beach and dune material in terms of grain, size, distribution and color. The composition of fill material may be found in Sec.9.1.B.(Coastal Protection). The fill material shall consist of sand that falls within the same size classification of sand within the Unified Soils Classification System [i.e., fine sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and coarse sand (2.0 to 4.76 mm)] as that of the native beach material. The acceptable silt/clay fraction (<0.074 mm) and gravel/cobble fraction (> 4.76 mm) shall be determined by the department based upon site conditions. Sand grain size analyses shall be consistent with the grain size methodology described in "Folk, Robert L. 1980, Petrology of Sedimentary Rocks". The fill material color shall match the color of the existing beach and dune coloration as closely as possible.

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1 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
2 insert alphabetically and add a definition as follows:

3 Camping cabin means an accessory use for recreational vehicle parks which  
4 consists of a cabin used for sleeping.

5 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
6 insert alphabetically and add a definition as follows:

7 Community vegetable gardens means a plot of land used as a vegetable garden  
8 intended to be cultivated and harvested by a group of residents of the surrounding  
9 area.

10 Subpart. Section 3.2, Definitions; Conditional Certificate of Concurrency Reservation is  
11 amended to delete and relocate criteria to its proper section and add language as  
12 follows:

13 Conditional Certificate of Concurrency Reservation means a Certificate of  
14 Concurrency Reservation considered in conjunction with a Development  
15 Agreement, public facility agreement, or other binding agreement, that is  
16 approved by the Planning Zoning Director when it is demonstrated that criteria  
17 established in Sec.11.4.C.5.c, Conditional Certificate of Concurrency  
18 Reservation, is met.:

- 19 1. ~~All existing available public facility capacity up to but not greater than an~~  
20 ~~amount sufficient to serve the proposed development has been reserved;~~  
21 2. ~~There is reasonable likelihood that the balance of the public facility~~  
22 ~~capacity needed for the proposed development can be provided pursuant~~  
23 ~~to an Agreement; and~~  
24 3. ~~A request has been made for consideration and approval of an Agreement~~  
25 ~~concurrent with the application for development permit so that the~~  
26 ~~proposed development will comply with the adequate public facility~~  
27 ~~standards for a Certificate of Concurrency Reservation in Sec. 11.4.~~

28 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
29 insert alphabetically and add a definition as follows:

30 Estate kitchen. Estate kitchen is an accessory use which is physically integrated  
31 with the main residence.

32 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions; Greenhouse, is  
33 amended to delete and add language as follows:

34 Greenhouse means an accessory structure consisting of a glass or hard plastic  
35 enclosure used to protect plants from insects, heat, cold and exposure to the sun.

36 Nursery ~~see Greenhouse.~~

37 Greenhouse or Nursery, retail means the cultivation, for wholesale or retail  
38 sale, of horticultural specialties such as flowers, shrubs, sod, and trees, intended  
39 for ornamental or landscaping purposes.

40 Greenhouse or Nursery, wholesale means the cultivation for wholesale sale of  
41 horticultural specialties such as flowers, shrubs, sod, and trees, intended for  
42 ornamental or landscaping purposes.

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1 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
2 insert alphabetically and add a definition as follows:

3 Groom's quarters means on-site living quarters for persons responsible for  
4 grooming and caring for horses boarded at the stable.

5 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
6 insert alphabetically and add a definition as follows:

7 Groves/row crops means the cultivation of fruits and vegetables for bona-fide  
8 agricultural purposes.

9 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
10 insert alphabetically and add a definition as follows:

11 Livestock raising means the breeding, raising and caring for animals that are  
12 used for products. Livestock shall also include horses.

13 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions; Medical/dental  
14 office or clinic is amended to add language as follows:

15 Medical/dental office or clinic means a facility licensed by the State of Florida  
16 which maintains and operates organized facilities for medical or surgical  
17 diagnosis, care, including overnight and outpatient care, excluding outpatient  
18 surgery and treatment of human illness. A hospital is distinguished from a  
19 medical center by the provision of surgical facilities.

20 Subpart. Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
21 insert alphabetically and add a definition as follows:

22 Packing plant means a facility, accessory to bona fide agriculture, used for the  
23 packing of produce not necessarily grown on site.

24 Subpart. Section 3.2, Definitions; Retail sales, mobile or temporary is amended to delete  
25 and add language as follows:

26 Retail sales, mobile, or temporary or transient means retail sales operations  
27 without a fixed or permanent location. Typical uses include roadside sales of  
28 flowers or similar food products; transient sales operations which include travel  
29 to several locations in one day, such as lunch wagons, door-to-door salesmen or  
30 ice cream trucks; temporary seasonal sales, such as Christmas trees or fireworks;  
31 and special event sales which require a tent or temporary structure.

32 Subpart. Section 3.2, Definitions; Public school, is retitled and inserted alphabetically as  
33 follows:

34 Public school, public means a use and attendant buildings operated by the Palm  
35 Beach County School District for educational or training purposes, as follows:

- 36 1. an elementary school;
- 37 2. a middle school
- 38 3. a high school
- 39 4. a vocation or technical school.

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1     Subpart.     Section 3.2, Definitions; School, private is inserted alphabetically as follows:

2             School, private means a use and attendant buildings operated by a private  
3             organization for educational or training purposes, as follows:

- 4             1. an elementary school;  
5             2. a middle school  
6             3. a high school  
7             4. a vocation or technical school.

8     Subpart.     Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
9             insert alphabetically and add a definition as follows:

10            Shade house. means an accessory agricultural structure consisting of a screened  
11            enclosure with a screened or roll plastic roof used to protect plants from insects,  
12            heat and exposure to the sun.

1     Subpart.     Section 3.2, Rules of Construction and Definitions; Definitions, is amended to  
2             insert alphabetically and add a definition as follows:

3             Storage, agricultural means the storage of equipment or products accessory or  
4             incidental to a primary agricultural use.

5     Subpart.     Section 3.2, Definitions, is amended to delete and add language as follows:

6             Urban Services Area means that area delineated by the Planning Division on the  
7             Land Use Plan Map which receives services at minimum levels of service  
8             pursuant to Objective 1 on the Capital Improvement Element.

9     Subpart.     Section 3.3, Abbreviations and Acronyms; GAE, is amended to delete language  
10            as follows:

11            ~~GAE~~ ——— ~~Geographic Area of Exception~~

12     Subpart.     Section 3.3, Abbreviations and Acronyms; is amended to alphabetically insert and  
13             add language as follows:

14            TAP-O     Turnpike Aquifer Protection Overlay District

15     Subpart.     Section 3.3, Abbreviations and Acronyms; is amended to add language as  
16             follows:

17            TCMA     Transportation Concurrency Management Areas

18     Subpart.     Section 3.3, Abbreviations and Acronyms; is amended to add language as  
19             follows:

20            USA     Urban Services Area

21     Subpart.     Section 4.3.D.6, Zoning Commission; Officers; quorum; rules of procedure, is  
22             amended to delete language as follows:

- 23             6.     Rules of procedure. ~~All meetings shall be governed by the Robert's~~  
24             ~~Rules of Order.~~ ...

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1 Subpart. Section 4.5.D.6, Board of Adjustment; Officers; quorum; rules of procedure, is  
2 amended to delete language as follows:

- 3  
4 6. Rules of procedure. ~~All meetings shall be governed by the Robert's Rules~~  
5 ~~of Order.~~ ...  
6

7 Subpart. Section 4.6.D.6, Traffic Performance Standards Appeals Board; Officers, is  
8 amended to delete language as follows:

- 9  
10 6. Rules of procedure. ~~All meetings shall be governed by the Robert's Rules~~  
11 ~~of Order.~~ ...  
12

13 Subpart. Section 4.7.B; Development Review Appeals Board; Powers and Duties is  
14 amended to delete and add language as follows:

- 15  
16 B. Powers and duties. The Development Review Appeals Board shall have  
17 the following powers and duties under the provisions of this Code.

- 18  
19 1. To hear, consider and decide appeals, decisions of the Planning Zoning  
20 Director on applications for Certificates of Concurrency Reservation and  
21 Concurrency Exemption Extension; and  
22  
23 2. To hear, consider and decide appeals from decisions of the Planning  
24 Director on applications for Entitlement Density, and Voluntary Density  
25 Bonus and Concurrency Exemption Extension; and  
26  
27 3. To hear and decide appeals from, decisions of, and conditions imposed by  
28 the Development Review Committee with regard to action taken on an  
29 application for a final development permit.  
30

31 Subpart. Section 4.9.D.6, Impact Fee Appeals Board; Officers; quorum; rules of  
32 procedure, is amended to delete language as follows:

- 33  
34 6. Rules of procedure. ~~All meetings shall be governed by the Robert's Rules~~  
35 ~~of Order.~~ ...  
36

37 Subpart. Section 4.10.D.6, Environmental Appeals Board; Officers, is amended to delete  
38 language as follows:

- 39  
40 6. Rules of procedure. ~~All meetings shall be governed by the Robert's~~  
41 ~~Rules of Order.~~ ...  
42

43 Subpart. Section 4.11.D.5, Environmental Ordinance Appeals Board; Officers, is amended  
44 to delete language as follows:

- 45  
46 5. Rules of procedure. ~~All meetings shall be governed by the Robert's Rules~~  
47 ~~of Order.~~ ...  
48

49 Subpart. Section 4.12.D.5, Environmental Control Hearing Board; Officers, is amended  
50 to delete language as follows:

- 51  
52 6. Rules of procedure. ~~All meetings shall be governed by the Robert's~~  
53 ~~Rules of Order.~~ ...  
54

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1 Subpart. Section 4.13.D.6, Groundwater and Natural Resources Protection Board;  
2 Officers, is amended to delete language as follows:

- 3  
4 6. Rules of procedure. All meetings shall be governed by the Robert's Rules  
5 of Order. ...  
6

7 Subpart. Section 4.14.D.6, Code Enforcement Board; Officers, is amended to delete  
8 language as follows:  
9

- 10 6. Rules of procedure. All meetings shall be governed by the Robert's Rules  
11 of Order. ...  
12

13 Subpart. Section 4.30, Decisionmaking, Administrative and Enforcement Bodies; Historic  
14 Resources Review Board; Powers and Duties has been amended to add language  
15 as follows:  
16

- 17 B. Powers and Duties. The HRRB shall have the following powers and  
18 duties under the provisions of this code:  
19

- 20 1. Develop, administer and update an accurate inventory of historic resources  
21 in unincorporated Palm Beach County and on County owned property in  
22 municipalities. The inventory shall be used to formulate a map of historic  
23 district boundaries and historically significant properties meriting  
24 protection to be incorporated into the land use element of the 1989 Palm  
25 Beach County Comprehensive Plan. Historic properties and districts  
26 located in unincorporated Palm Beach County shall be identified by means  
27 of an overlay district on the Palm Beach County Zoning Map.  
28 .....  
29

30 Subpart. Section 5.2.D, Development Review Procedures; Site Specific (Future Land Use  
31 Atlas) Comprehensive Plan Amendments; Procedure is amended to add language  
32 as follows:  
33

34 D. Procedure.  
35

- 36 12. Small Scale Development Amendments. Notwithstanding the provisions  
37 of Sections 5.2.D.7.b, 5.2.D.8.a, and 5.2.10.a, small scale development  
38 amendments shall follow the procedures and regulations set forth in Sec.  
39 163.3187 (c), Fla. Stat.  
40

41 SUBPART. Section 5.3.D.4, Official Zoning Map Amendment; Review, Report and  
42 Recommendation, is amended to add language as follows:  
43

44 a. Review, report and recommendation.  
45

- 46 1. When the application is determined by the Planning Director to be  
47 consistent with the Comprehensive Plan and sufficient by the Zoning  
48 Director, the Zoning Director shall review the application, consult with  
49 the other relevant County agencies at a meeting of the Development  
50 Review Committee about the application, and prepare a staff report (which  
51 incorporates the comments of the other agencies) recommending approval,  
52 approval with conditions, or disapproval based on the standards in Sec.  
53 5.3.D.10.  
54

- 55 (a) An appeal of a decision by the Planning Director that the  
56 application is inconsistent with the Comprehensive Plan shall be  
57 made to the Planning Agency using forms and procedures

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established by the Planning Director.

- (b) An appeal of a decision by the Zoning Director not to certify an application shall be made to the Board of County Commissioners using forms and procedures established by the Zoning Director.

Subpart. Section 5.3.D.7, Development Review Procedures; Official Zoning Map Amendment; Procedure, is amended to add language as follows:

.....

7. **Action by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.E. At the public hearing, the Zoning Commission shall consider the application, the staff report, the relevant support materials, and public testimony given at the hearing. If at any time during the public hearing the Zoning Commission determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report. After close of the public hearing, the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or disapproval of the application based upon the standards in Sec. 5.3.D.10.

Subpart. Section 5.3.D.7, Development Review Procedures; Official Zoning Map Amendment; Procedure; Action by Board of County Commissioners, is amended to add language as follows:

.....

- b. **The public hearing(s).** At the public hearing(s), the Board of County Commissioners shall consider the application, all relevant support materials, the staff report, the recommendation of the Zoning Commission, and the testimony given and evidence introduced into the record at the public hearing(s). If at any time during the public hearing the Board of County Commissioners determines that the application is based upon incomplete, or inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report, or to the Zoning Commission for revised recommendations.

Subpart. Section 5.5.E, Development Review Procedures; Special Use Permits; Procedure, is amended to add a new subsection as follows:

**8. Special permit fees.**

- a. The Special Permit fee is adopted to supplement the cost of issuing Special Permits, performing inspections and reviewing vendor-stand locations.
- b. No Special Permit shall be issued until all fees have been paid.
- c. The fee shall be as established by the Palm Beach County Planning, Zoning & Building Department fee schedule.

Subpart. Section 5.6.D.7, Site Plan and Final Subdivision Plan; Procedures; Conditions, is amended to add language as follows:

7. **Conditions.** The Development Review Committee shall have the

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1 authority to impose conditions in a development order for a Site Plan or  
2 Final Subdivision Plan specifically as follows:  
3

- 4 a. Those conditions that are necessary to accomplish the provisions  
5 of this Code and to assure compatibility of the proposed  
6 development with surrounding land uses. Such conditions shall be  
7 limited to execution of unity of control or unity of title, location  
8 of uses on the site to minimize adverse off-site impacts and ensure  
9 on-site safety and compliance with Code requirements. Conditions  
10 shall not restrict land uses otherwise permitted by the Code, or  
11 required payment of any fees not otherwise required. Further,  
12 conditions may be imposed to provide road construction required  
13 for the project to meet the Traffic Performance Standards. Site  
14 related conditions such as drainage improvements, turn lanes and  
15 signalization may be imposed. The Development Review  
16 Committee (DRC) may impose conditions to the approval of  
17 agricultural uses in the Urban Services Area, to reduce negative  
18 impacts on surrounding properties, including but not limited to:  
19 controlling objectionable odors; fencing; sound limitations;  
20 inspections; reporting or monitoring; preservation areas;  
21 mitigation; and/or limits of operation. Conditions shall be  
22 reasonable, not be contrary to law, limited to on-site impacts,  
23 except for off-site public road improvements or conveyances  
24 specifically attributable to the project's impact. Conditions shall  
25 not amend Board imposed conditions, effect previously approved  
26 conditions, or exceed this Code. For modifications or additions to  
27 previously approved development orders, conditions shall only be  
28 imposed to address the specific impacts of the new use or  
29 development.  
30

31 Subpart. Section 5.7.A; Variances and Appeal of Administrative Decisions, is amended to  
32 add and delete language as follows:  
33

34 A. Definition and Purpose. A variance is a deviation from the terms certain  
35 standards of this Code that would not be contrary to the public interest when  
36 owing to special circumstances or conditions peculiar to the property, the literal  
37 enforcement of the provisions of this Code would result in undue and unnecessary  
38 hardship.  
39

40 B. Authority.  
41

- 42 1. The Board of Adjustment, in accordance with the procedures, standards  
43 and limitations of this section shall approve, approve with conditions, or  
44 deny an application for development permit for a variance, after  
45 recommendation by the Zoning Director, or County Engineer, whichever  
46 is appropriate. The Board of Adjustment is granted the authority to hear  
47 and decide on variances only to Art.6 (except for sec. 6.2, District  
48 Purpose and Intent and Table 6.4-1 Use Regulation Schedule), Art. 7, Site  
49 Development Standards including Type IA and IB excavations (except for  
50 Sec. 7.6, Type II and Type III Excavations; Sec. 7.9, Traffic Performance  
51 Standards, and Secs. 7.10 and 7.11, the Environmental Control Rule I and  
52 II); and Art. 8, Subdivision, Platting, and Required Improvements. after  
53 recommendation by the Zoning Director, or County Engineer, whichever  
54 is appropriate.  
55  
56 2. The Board of Adjustment is not authorized to grant a variance to permit  
57 a use not permitted under the terms of this code in the zoning district

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involved, or any use expressly prohibited by the terms of this code in the said zoning district or from a threshold requirement that determines a specified review process.

2- 3. Unless otherwise specified, the Board of Adjustment shall hear and decide appeals from interpretation or decisions of the Zoning Director or the County Engineer regarding provisions of this Code pursuant to the procedures and standards in Article 2 of this Code.

....

3. 4. In no case shall the Board of Adjustment grant a permit to establish or re-establish a use prohibited in the district.

.....

SUBPART. Section 5.7.D; Variances and Appeal of Administrative Decisions, is amended to add and delete language as follows:

**D. Procedure.**

**1. General.**

a. **Submission of application.** An application for a development permit for a variance, except a variance to Art 8, Subdivision, shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application. An application for a development permit for a variance to Art. 8, Subdivision, shall be submitted to the County Engineer along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.

2. **Use approval required prior to submittal of a variance application.** Use approval by the Zoning Commission or Board of County Commissioners, as required by table 6.4.1 (Use Regulation Schedule) of this code shall be obtained prior to applying for a variance from a property development regulation, except that if the requested variance is for existing on-site conditions and is not contingent on the use approval, the Zoning Director may permit submittal of a variance application prior to the use approval.

3. **Variance approval required prior to use approval.** Variance approval shall be obtained for deviations from minimum acreage requirements, prior to certification by the Development Review Committee for inclusion on a public hearing agenda or final development plan certification, whichever first occurs, in accordance with the process established by Table 6.4-1, Use Regulation Schedule.

4. **Variance approval required prior to issuance of a final development order.** Approval of a variance from property development regulations of this code shall be obtained prior to final certification of a preliminary development plan, final master plan, final site plan or final subdivision plan by the Development Review Committee, plat recordation, or issuance of a building permit whichever occurs first in accordance with procedures set forth in this code.

.....

Highlighted language (e.g., ~~the~~) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

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2. Contents of application. All hearings before the Board of Adjustment shall be initiated by filing with the department an application established by the Zoning Director or County Engineer, whichever is appropriate.

.....

- c. Request for time limitation waiver. If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from the time limitations in Section 5.7.h.2 of this Section. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The Board of Adjustment shall review the justification and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this section or may require compliance with the variance approval by a specified time, as deemed appropriate.

20 SUBPART. Section 5.7.H; Variances and Appeal of Administrative Decisions, is amended to  
21 add and delete language as follows:

.....

22  
23 H. Effect of development order.

- 24  
25 1. General. Issuance of a development order for a variance shall be deemed  
26 to authorize only the particular use for which it is issued. A development  
27 order for a variance shall run with the land.

- 28  
29 a. Granting of a variance by the Board of Adjustment does not obligate the  
30 approval of a use by the Zoning Commission or the Board of County  
31 Commissioners.

- 32  
33 b. Granting of a use approval by the Board of County Commissioners does  
34 not obligate the approval of a variance by the Board of Adjustment.

- 35  
36 2. Time limitation. Unless otherwise specified in the development order for  
37 the variance, an application for a building permit shall be made within  
38 twelve (12) months of the date of the approval of the development order  
39 for the variance, or the development order for the variance shall  
40 automatically become null and void. Permitted time frames do not change  
41 with successive owners. Upon written request, an extension of time for  
42 the variance or any condition thereof may be granted only by the Board  
43 of Adjustment, with or without conditions, for a period up to but not to  
44 exceed ~~six~~ (6) twenty-four (24) months, if ~~for good cause shown~~ is  
45 demonstrated. No request for an extension shall be considered unless a  
46 written application requesting the extension is submitted to the Zoning  
47 Director or County Engineer, whichever is appropriate, no later than  
48 twenty (20) working days prior to the date the development order or  
49 condition is to expire. Failure to submit an application for an extension  
50 within the time limits established by this section shall render the  
51 development order for the variance null and void.

- 52  
53 3. Time Limitation Waiver. The Board of Adjustment may make a finding,  
54 in accordance with 5.7.d.2.c, that time limitations as required by this  
55 Section may not apply if implementation of the variance does not require  
56 the issuance of a building permit.  
57

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1           **3.4. Subsequent development order(s).** Development of the use shall not be  
2 carried out until the applicant has secured all other development orders  
3 required by this Code, and regional, state and federal approvals, if  
4 applicable. A development order for a variance shall not ensure that the  
5 development approved as a variance shall receive subsequent approval for  
6 other applications for development permits unless the relevant and  
7 applicable portions of this Code are met.  
8

9       **SUBPART.** Section 5.7.J; Variances and Appeal of Administrative Decisions, is amended to  
10 add and delete language and reorder as follows:  
11

12       **I. J. Appeal of Decision by Board of Adjustment.**  
13

14           Any person aggrieved by a decision of the Board of Adjustment on an  
15 application for development permit for a variance, ~~may~~ **shall** apply for  
16 judicial relief by the filing of a Petition for Writ of Certiorari in the  
17 Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach  
18 County, Florida, in accordance with the procedure and within the time  
19 provided by the ~~Florida Rules of Civil Procedure and the~~ Florida Rules  
20 of Appellate Procedure. If the challenge involves the consistency of the  
21 development order with the Comprehensive Plan, judicial relief shall be  
22 by the filing of a verified complaint with Palm Beach County pursuant to  
23 Sec. 163.3215, Fla. Stat.  
24

25       **J.I. Amendment to development order for variance.** A development order  
26 for a variance may be amended only pursuant to the procedures and  
27 standards established for its original approval, or as is otherwise set forth  
28 in this section.  
29

30       **K. Appeal of Decision by the Zoning Director for an Administrative**  
31 **Variance.** Any person aggrieved by a decision of the Zoning Director on  
32 an application for an administrative variance shall, within thirty (30)  
33 calendar days, file an appeal to the Development Review Appeals Board  
34 using the forms and procedures established by the Zoning Director.  
35

36       **Subpart.** Section 6.2, Zoning Districts; District Purposes, is amended to rename and add  
37 language as follows:  
38

39       **SEC.6.2 DISTRICT PURPOSES AND USES.** The thirty-eight (38) districts established  
40 to implement the Comprehensive Plan have the following purposes and permit the  
41 following uses.  
42

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Highlighted language (e.g., ~~the~~) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

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1 Subpart. Section 6.2.A, Zoning Districts; District Purposes, is amended to rename and add  
2 language as follows:  
3

4 **A. Conservation district.**  
5

- 6 1. **PC, Preservation/Conservation District.** The purpose and intent of the PC district is  
7 to protect lands that provide habitats for endangered species of wildlife, fish, or flora,  
8 that are important habitats for the production of fish and wildlife, or that are sites of  
9 historical or archaeological significance. The PC district corresponds to the Conservation  
10 land use designation in the Future Land Use Element of the Comprehensive Plan. The  
11 following uses are subject to the standards referenced below.  
12

13 **PERMITTED USE:**  
14

15 Park, passive  
16

17 **PERMITTED SUBJECT TO DRC SITE PLAN:**  
18

19 Park, public  
20 Campground  
21

22 **CONDITIONAL USE CLASS A:**  
23

24 Communication tower, commercial  
25  
26

27 **Reference section:**  
28

- 29 1) Supplementary Use Standards -- See Section 6.4.D  
30 2) Property Development Regulations -- See Section 6.5  
31 3) Accessory/Temporary Structure Standards -- See Section 6.6  
32 4) Off-street Parking/Loading -- See Section 7.2  
33 5) Landscaping -- See Section 7.3  
34 6) Lighting/Noise Standards -- See Section 7.8  
35 7) Signs -- See Section 7.14  
36 8) Vegetation Protection -- See Section 7.5  
37

38 Subpart. Section 6.2.B, Zoning Districts; District Purposes; Agricultural districts, is  
39 amended to add language as follows:  
40

41 **B. Agricultural districts.**  
42

- 43 1. **AGR, Agricultural Reserve District.** The purpose and intent of the AGR district is  
44 established to identify lands presently used for predominantly agricultural production as  
45 an ecologically and economically valued resource. The purpose and intent of the AGR  
46 District is to assure that these lands have the opportunity to remain in agricultural  
47 production as long as economically feasible, particularly where soil and water conditions  
48 favor continued agricultural production. The AGR District corresponds to the  
49 Agricultural Reserve (AGR) land use designation of the land use element of the  
50 comprehensive plan and recognizes the study of the long-term viability of agriculture in  
51 the agricultural reserve to area to be conducted beginning in 1990. The results of the  
52 study will require the revision of policies and regulations related to the agricultural  
53 reserve area in both the Palm Beach County Comprehensive Plan and the Unified Land  
54 Development Code. Until such time as the study is complete, certain uses which are  
55 recognized in the AGR District may not be developed pursuant to the requirements of the  
56 comprehensive plan. The following uses are subject to the standards referenced below.  
57

---

Highlighted language (e.g., the) indicates proposed new language.  
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**PERMITTED USES:**

Agriculture, bona fide  
Aviculture  
Estate kitchen  
Farm residence  
Farm tenant quarters  
Garage sale  
Grooms quarters  
Guest cottage  
Nursery, retail  
Nursery, wholesale  
Home occupation  
Office  
Park, passive  
Single family residence  
Stable, private

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator, permanent  
Air curtain incinerator, temporary  
Electrical power facility  
Helipad/Heliport  
Solid waste transfer station

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

2. **AP, Agricultural Production District.** The purpose and intent of the AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations, particularly where soil and water conditions favor continued agricultural production. The AP district corresponds to the Agricultural Production (AP) land use designation in the Future Land Use Element of the Comprehensive Plan. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in Palm Beach County. The following uses are subject to the standards referenced below.

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Agricultural research /development  
Agricultural transshipment  
Day care center, limited  
Equestrian arena  
Fruit and vegetable market  
Government services  
Migrant farm labor quarters  
Packing house, large  
Stable, commercial  
Utility, minor  
Veterinary clinic

**CONDITIONAL USE, CLASS B:**

Agricultural sales and service  
Airplane landing strip, accessory  
Chipping and mulching  
Church or place of worship  
Communication tower, commercial  
Composting facility  
Grain milling or processing  
Landscape maintenance services  
Medical office or dental clinic  
Park, public  
Potting soil manufacturing  
Water or wastewater treatment plant

**SPECIAL USES:**

Accessory dwelling  
Recycling drop off bin  
Security or caretaker quarters  
Stand for the sale of agricultural products

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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**PERMITTED USES:**

Agriculture, bona fide  
Aviculture  
Estate kitchen  
Farm residence  
Farm tenant quarters  
Garage sale  
Grain milling or processing  
Grooms quarters  
Guest cottage  
Home occupation  
Nursery, wholesale  
Park, passive  
Stable, private  
Sugar mill or refinery  
Mobile minor vehicle repair & related services  
Veterinary clinic

**SPECIAL USES:**

Accessory dwelling  
Air curtain incinerator, temporary  
Recycling drop off bin  
Security or caretaker quarters  
Stand for the sale of agricultural products

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator, permanent  
Electrical power facility  
Excavation, Type III  
School, elementary or secondary  
Solid waste transfer station

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

3. **SA, Special Agricultural District.** The purpose and intent of the SA district is to provide a transitional district that allows for more intensive agricultural uses and related services, and for limited commercial activities that provide convenience services to the rural community. The SA district corresponds to the Special Agriculture (SA) and Agricultural Production (AP) land use designations in the Future Land Use Element of the Comprehensive Plan, and the Rural Residential 10 (RR10) land use designation only

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Agricultural research / development  
Agricultural transshipment  
Assembly, nonprofit institutional  
Cemetery  
Communication tower, commercial  
Composting facility  
Day care center, limited  
Government services  
Heliport/helipad  
Migrant farm labor quarters  
Potting soil manufacturer  
Stable, commercial  
Utility, minor

**CONDITIONAL USE, CLASS B:**

Agricultural sales and service  
Airplane landing strip, accessory  
Chipping and mulching  
Church or place of worship  
Medical office or dental clinic  
Park, public  
Water or wastewater treatment plant

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when determined to be consistent with the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

**PERMITTED USES:**

Agriculture, bona fide  
Aviculture  
Estate kitchen  
Farm residence  
Farm tenant quarters  
Fruit and vegetable market  
Garage sale  
Grain milling or processing  
Grooms quarters  
Guest cottage  
Home occupation  
Kennel, private  
Park, passive  
Stable, private  
Mobile minor vehicle repair & related services

**SPECIAL USES:**

Accessory dwelling  
Air curtain incinerator, temporary  
Amusements, temporary  
Mobile or temporary retail sales  
Recycling drop off bin  
Security / care taker quarters  
Stand for the sale of agricultural products

**CONDITIONAL USE, CLASS A:**

Agricultural sales & service  
Agricultural transshipment  
Air curtain incinerator, permanent  
Chipping and mulching  
Church or place of worship  
Communication tower, commercial  
Electrical power facility  
Excavation Type III

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Agricultural research/ development  
Campground  
Equestrian arena  
Nursery, retail  
Nursery, wholesale  
Migrant farm labor quarters  
Park, public  
Stable, commercial  
Utility, minor

**CONDITIONAL USE, CLASS B:**

Cemetery  
Composting facility  
Day care center, limited  
Government services  
Medical office or dental clinic  
Sugar mill or refinery  
Veterinary clinic  
Zoo

Hospital or medical center  
Kennel, commercial  
Landscape maintenance services  
Potting soil manufacturer  
School, elementary or secondary  
Solid waste transfer station  
Water or wastewater treatment plant

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- 1 **4. RSER, Rural Services District.** The purpose and intent of the RSER district is to  
2 provide for the clustering of service uses intended to serve predominantly rural  
3 residential communities. To receive the RSER district designation, lands shall lie within  
4 one half mile of the intersection of two (2) existing arterials, excluding easement type  
5 roads in the Rural Service Area. The RSER district corresponds to the Rural Residential  
6 10 (RR10) land use designation in the Future Land Use Element of the Comprehensive  
7 Plan. The following uses are subject to the standards referenced below.  
8

9 **PERMITTED USES:**

10  
11 Fruit and vegetable market  
12 Greenhouse or nursery, retail  
13 Greenhouse or nursery, wholesale  
14 Park, passive  
15 Stable, private  
16 Mobile minor vehicle repair & related services  
17

18 **SPECIAL USES:**

19  
20 Air curtain incinerator, temporary  
21 Amusements, temporary  
22 Recycling collection station  
23 Recycling drop off bin  
24 Security or caretaker quarters  
25 Stand for the sale of agricultural products  
26

27 **CONDITIONAL USE, CLASS B:**

28  
29 Agricultural sales and service  
30 Airplane landing strip, accessory  
31 Assembly, nonprofit institutional  
32 Assembly, nonprofit membership  
33 Building supplies, retail  
34 Church or place of worship  
35 Communication tower, commercial  
36 Funeral home or crematory  
37 Gas and fuel, wholesale  
38 Government services  
39 Landscape maintenance services  
40 Medical office or dental clinic  
41 Repair services, limited  
42 Vocational school  
43 Zoo  
44  
45  
46  
47

48 **Reference Sections:**

- 49  
50 1) Supplementary Use Standards -- See Section 6.4.D  
51 2) Property Development Regulations -- See Section 6.5  
52 3) Supplementary Development Standards -- See Section 6.6  
53 4) Off-street Parking/Loading -- See Section 7.2  
54 5) Landscaping -- See Section 7.3  
55 6) Performance Standards -- See Section 7.8  
56 7) Signs -- See Section 7.14  
57 8) Vegetation Protection -- See Section 7.5

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Campground  
Congregate living facility,  
Type 2  
Contractor's storage yard  
Day care center, limited  
Dispatching office  
Equestrian arena  
Gun club, enclosed  
Kennel, commercial  
Park, public  
Stable, commercial  
Utility, minor  
Veterinary clinic

**CONDITIONAL USE, CLASS A:**

Auction, enclosed  
Auction, outdoor  
Arena, auditorium or stadium  
Bed and breakfast  
College or university  
Day care center, general  
Electrical power facility  
Entertainment, outdoor  
Golf course  
Gun club, open  
Hospital or medical center  
Nursing or convalescent facility  
Repair and maintenance, general  
School, elementary or secondary  
Solid waste transfer station  
Water or wastewater treatment plant

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**Subpart.** Section 6.2.C, Zoning Districts; District Purposes; Rural residential districts, is amended to add language as follows:

**C. Rural residential districts.**

1. **AR-Rural, Agricultural Residential District in Rural Residential.** The purpose and intent of the AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The AR district corresponds with the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

**PERMITTED USES:**

Agriculture, bona fide  
Aviculture  
Congregate living facility,  
Type I  
Estate Kitchen  
Excavation Type I  
Garage sale  
Grooms quarters  
Guest cottage  
Home occupation  
Single-family residence  
Stable, private  
Mobile minor vehicle repair & related services

**SPECIAL USES:**

Accessory dwelling  
Air curtain incinerator, temporary  
Amusements, temporary  
Bed and Breakfast  
Mobile home dwelling  
Mobile or temporary retail sales  
Recycling drop off bin  
Security or caretaker quarters  
Stand for the sale of agricultural products

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Nursery, wholesale  
Kennel, private  
Park, passive  
Utility, minor  
Stable, commercial

**CONDITIONAL USE, CLASS B:**

Airplane landing strip, accessory  
Day care center, limited  
Equestrian arena  
Park, public  
Veterinary clinic (large animal)

**CONDITIONAL USE, CLASS A:**

Assembly, nonprofit institutional  
Cemetery  
Church or place of worship  
College or university  
Communication tower, commercial  
Congregate living facility,  
Type 2  
Day care center, general  
Electrical power facility  
Government services  
Heliport or helipad  
Landscape maintenance service  
School, elementary or secondary  
Solid waste transfer station  
Water or wastewater treatment plant  
Zoo

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## Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

2. **CRS, Country Residential District.** The purpose and intent of the CRS district is to provide for a primarily rural residential environment that is also conducive to the keeping of horses and livestock, to protect watersheds and water supplies, wilderness and scenic areas, and conservation and wildlife areas, and to permit a limited number of activities that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The CRS district corresponds with the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) land use designation in the Future Land Use Element of the Comprehensive Plan, and may apply in existing low density neighborhoods within the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

### PERMITTED USES:

Agriculture, bona fide  
Congregate living facility,  
Type 1  
Garage sale  
Home occupation  
Single-family  
Stable, private  
Vehicle repair & related services

### SPECIAL USES:

Accessory dwelling  
Air curtain incinerator, temporary  
Bed and Breakfast  
Mobile home dwelling  
Recycling drop off bin  
Stand for the sale of agricultural products

### PERMITTED SUBJECT TO DRC SITE PLAN:

Kennel, private  
Nursery, wholesale  
Park, passive  
Utility, minor

### CONDITIONAL USE, CLASS B:

Park, public  
Stable, commercial

### CONDITIONAL USE, CLASS A:

Church or place of worship  
College or university  
Congregate living facility,  
Type 2  
Communication tower, commercial  
Day care center, limited  
Electrical power facility  
Golf course  
Government services  
Nursery, retail  
School, elementary or secondary  
Solid waste transfer station  
Water or wastewater treatment

## Referenced Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Supplementary Development Standards -- See Section 6.6

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- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Performance Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

Subpart. Section 6.2.D, Zoning Districts; District Purposes; Urban residential districts, is amended to add language as follows:

**D. Urban residential districts.**

**1. General. Agricultural uses in the Urban Services Area (USA)**

**a. Applicability.** Uses existing at the time of adoption of the ordinance permitting agricultural uses in the urban services area shall be considered to be conforming. Any expansion of existing agricultural uses and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC.

**b. Uses.** Agricultural uses not listed below as permitted within the Urban Services Area, shall only be permitted with a class A Conditional use approval.

**c. Previous development orders.** Property which has a development order may also receive an additional development order for a temporary agricultural use in the USA in accordance with the standards enumerated in 6.4.D. (Supplementary use standards) for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.

**1-2. RE, Residential Estate District.** The purpose and intent of the RE district is to provide a transition between the agricultural and conservation areas and the more urban residential communities, and to create a residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of residents. The RE district corresponds with the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

**PERMITTED USES:**

Congregate living facility, Type I  
Estate kitchen  
Garage sale  
Grooms quarters  
Guest cottage  
Home occupation  
Shadehouse  
Single-family residence  
Stable, private  
Vehicle repair & related services

**SPECIAL USES:**

Accessory dwelling  
Air curtain incinerator, temporary  
Bed and Breakfast  
Recycling drop off bin

**CONDITIONAL USE, CLASS B:**

Equestrian arena  
Groves/row crops  
Kennel, private  
Nursery, wholesale

**CONDITIONAL USE, CLASS A:**

Agricultural storage  
Air curtain incinerator, temporary  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Day care center, general  
Day care center, limited  
Electrical power facility  
Golf course  
Government services  
Heliport or helipad  
Livestock raising

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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Security/caretakers quarters

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Kennel, private

Park, passive

Stand for the sale of agricultural products

Utility, minor

Nursery, retail

Packing plant

Park, public

School, elementary or secondary

Solid waste transfer station

Stable, commercial

Water or wastewater treatment plant

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**2-3. RT, Residential Transitional District.** The purpose and intent of the RT district is to provide a transition between a suburban single-family atmosphere and that which is provided by estate development. The promotion of active recreational facilities within the privacy of an individual lot, along with attention to natural environmental considerations will create an atmosphere compatible with residential needs. The RT district corresponds with the Low Residential 1 (LR1) and Low Residential 2 (LR2) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

**PERMITTED USES:**

Congregate living facility, Type I

Estate kitchen

Garage sale

Grooms quarters

Guest cottage

Home occupation

Shadehouse

Single family residence

Mobile minor vehicle repair  
& related services

**SPECIAL USES:**

Accessory dwelling

Bed and Breakfast

Recycling drop off bin

Security/caretaker quarters

Stand for the sale of agricultural products.

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Park, passive

Utility, minor

**CONDITIONAL USE, CLASS B:**

Equestrian Arena

Groves/row crops

Nursery, wholesale

Stable, private

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator, temporary

Cemetery

Church or place of worship

Communication tower, commercial

Day care center, general

Day care center, limited

Electrical power facility

Golf course

Government services

Heliport or helipad

Kennel, private

Livestock raising

Nursery, retail

Packing plant

Park, public

School, elementary or secondary

Solid waste transfer station

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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Stable, commercial  
Water or wastewater treatment plant

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**3.4. RTS, Residential Transitional Suburban District.** The purpose and intent of the RTS district is to provide lands for low intensity single-family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged in the RTS district to minimize the impact of such development upon the community. The RTS district corresponds with the Low Residential 3 (LR3) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

**PERMITTED USES:**

Congregate living facility, Type 1  
Estate kitchen  
Garage sale  
Guest cottage  
Grooms quarters  
Home occupation  
Shadehouse  
Single family residence  
Mobile minor vehicle repair  
& related services

**SPECIAL USES:**

Accessory dwelling  
Bed and Breakfast  
Recycling drop off bin  
Security/caretaker quarters

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Park, passive  
Stand for the sale of agricultural products  
Utility, minor

**CONDITIONAL USE, CLASS B:**

Agricultural storage  
Equestrian arena  
Groves/row crops  
Nursery, wholesale  
Stable, private

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator, temporary  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Day care center, general  
Day care center, limited  
Electrical power facility  
Golf course  
Government services  
Heliport or helipad  
Kennel, private  
Livestock raising  
Nursery, retail  
Packing plant  
Park, public  
School, elementary or secondary  
Stable, commercial  
Solid waste transfer station  
Water or wastewater treatment plant

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Language crossed out (e.g., the) indicates language proposed to be deleted.

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## Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**4.5. RTU, Residential Transitional Urban District.** The purpose and intent of the RTU district is to provide areas for single-family dwelling units at a moderate density. The RTU district corresponds to the Medium Residential 5 (MR5) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

### PERMITTED USES:

Congregate living facility, Type I  
Garage sale  
Home occupation  
Mobile minor vehicle repair &  
related services  
Shedhouse  
Single family residence

### SPECIAL USES:

Accessory dwelling  
Bed and Breakfast  
Recycling drop off bin

### CONDITIONAL USE, CLASS A:

Air curtain incinerator, temporary  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Day care center, general  
Day care center, limited  
Electrical power facility  
Equestrian arena  
Golf course  
Government services  
Grooms quarters  
Groves/row crops  
Kennel, private  
Livestock raising  
Nursery, retail  
Nursing or convalescent facility  
Packing plant  
Park, public  
School, elementary or secondary  
Solid waste transfer station  
Stable, commercial  
Water or wastewater treatment plant

### PERMITTED SUBJECT TO DRC SITE PLAN:

Community vegetable garden  
Park, passive  
Stand for the sale of agricultural products  
Townhouse  
Utility, minor  
Zero lot line home

### CONDITIONAL USE, CLASS B:

Agricultural storage  
Nursery, wholesale  
Stable, private

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Language crossed out (e.g., the) indicates language proposed to be deleted.

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## Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standard -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**5-6. RS, Single-Family Residential District.** The purpose and intent of the RS district is to recognize the need to provide areas for moderately high density single-family dwelling units. The RS district corresponds with the High Residential 8 (HR8), High Residential 12 (HR12), and High Residential 18 (HR18) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

### PERMITTED USES:

Congregate living facility,  
Type 1  
Estate kitchen  
Garage sale  
Guest cottage  
Home occupation  
Single-family residence  
Mobile minor vehicle repair  
& related services  
Shadehouse

### SPECIAL USES:

Accessory dwelling  
Bed and Breakfast  
Recycling drop off bin  
Security/caretaker quarters

### PERMITTED SUBJECT TO DRC SITE PLAN:

Community vegetable garden  
Park, passive  
Townhouse  
Stand for the sale of agricultural products  
Utility, minor  
Zero lot line home

### CONDITIONAL USE, CLASS B:

Agricultural storage  
Nursery, wholesale  
Stable, private

### CONDITIONAL USE, CLASS A:

Air curtain incinerator, temporary  
Assembly, nonprofit institutional  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Congregate living facility,  
Type 2  
Congregate living facility,  
Type 3  
Day care center, general  
Day care center, limited  
Electrical power facility  
Equestrian arena  
Golf course  
Government services  
Grooms quarters  
Groves/row crops  
Kennel, private  
Livestock raising  
Nursery, retail  
Nursing or convalescent facility  
Packing plant  
Park, public  
School, elementary or secondary  
Solid waste transfer station  
Stable, commercial  
Water or wastewater treatment plant

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## Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Supplementary Development Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Performance Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**6.7. RM, Multi-Family Residential (Medium Density) District.** The purpose and intent of the RM district is intended primarily for the development of multiple family dwelling units and affordable housing. The RM district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR12) and the High Residential 18 (HR18) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

### PERMITTED USES:

Congregate living facility,  
Type 1  
Estate kitchen  
Garage sale  
Guest cottage  
Home occupation  
Multi-family residence  
Single-family residence  
Mobile minor vehicle repair  
& related services  
Shadehouse

### SPECIAL USES:

Accessory dwelling  
Bed and Breakfast  
Recycling drop off bin  
Security/caretaker quarters

### PERMITTED SUBJECT TO DRC SITE PLAN:

Community vegetable garden  
Park, passive  
Stand for the sale of agricultural products  
Townhouse  
Utility, minor  
Zero lot line home

### CONDITIONAL USE, CLASS B:

Agricultural storage  
Congregate living facility, Type 2  
Day care center, limited  
Fitness center  
Nursery, wholesale  
Park, public  
Stable, private

### CONDITIONAL USE, CLASS A:

Air curtain incinerator, temporary  
Assembly, nonprofit institutional  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Congregate living facility,  
Type 3  
Day care center, general  
Electrical power facility  
Golf course  
Government services  
Grooms quarters  
Groves/row crops  
Heliport or helipad  
Kennel, private  
Nursery, retail  
Nursing or convalescent facility  
Packing plant  
School, elementary or secondary  
Solid waste transfer station  
Stable, commercial  
Water or wastewater plant

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**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Supplementary Development Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Performance Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**7-8. RH, Multi-Family Residential (High Density) District.** The purpose and intent of the RH district is intended primarily for the development of concentrated residential densities and affordable housing. The RH district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR 12), High Residential 18 (HR18) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

**PERMITTED USES:**

Congregate living facility,  
Type 1  
Estate kitchen  
Garage sale  
Guest cottage  
Home occupation  
Multi-family residence  
Single-family residence  
Mobile minor vehicle repair  
& related services  
Shadehouse

**SPECIAL USES:**

Accessory dwelling  
Bed and Breakfast  
Recycling drop off bin  
Security/caretaker quarters

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Community vegetable garden  
Park, passive  
Stand for the sale of agricultural products  
Townhouse  
Utility, minor  
Zero lot line home

**CONDITIONAL USE, CLASS B:**

Agricultural storage  
Congregate living facility,  
Type 2  
Day care center, limited  
Fitness center  
Nursery, wholesale  
Park, public  
Stable, private

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator  
Assembly, nonprofit institutional  
Cemetery  
Church or place of worship  
Communication tower, commercial  
Congregate living facility,  
Type 3  
Day care center, general  
Electrical power facility  
Equestrian arena  
Golf course  
Government services  
Grooms quarters  
Groves/row crops  
Hotel or motel  
Kennel, private  
Livestock raising  
Nursery, retail  
Nursing or convalescent facility  
Packing plant  
School, elementary or secondary  
Solid waste transfer station  
Stable, commercial  
Water or wastewater treatment plant

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**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Supplementary Development Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Performance Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**8-9. (AR-USA) Agricultural Residential in the Urban Services Area.** The purpose and intent of the AR district in the Urban Services Area is to provide the opportunity to utilize land for limited agricultural purposes, where appropriate. The intent is to prevent premature urbanization of certain areas, while protecting the lifestyle of residents until such time the agricultural uses convert to other uses consistent with the Comprehensive Plan.

**PERMITTED USES:**

Congregate living facility,  
Type I  
Shade house  
Agricultural storage  
Estate Kitchen  
Stable, private  
Grooms quarters  
Guest quarters  
Garage sale  
Home occupation  
Single residence  
Mobile minor vehicle repair  
& related services

**SPECIAL USES:**

Air Curtain incinerator, temporary  
Bed and Breakfast  
Recycling drop off bin  
Security/caretaker quarters

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

**E. Commercial districts.**

**1. General.** Agricultural uses in the Urban Services Area

**a. Applicability.** Uses existing at the time of adoption of the ordinance permitting

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Groves/row crops  
Kennel, private  
Livestock raising  
Nursery, wholesale  
Park, passive  
Stable, commercial

**CONDITIONAL USE, CLASS B:**

Equestrian arena, commercial  
Packing Plant  
Veterinary Clinic (large animal)

**CONDITIONAL USE, CLASS A:**

Nursery, retail  
Communication tower, commercial  
Electrical power facility

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agricultural uses in the urban services area shall be considered to be conforming. Any expansion of existing agricultural uses and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC.

b. **Uses.** Agricultural uses not listed below as permitted within the Urban Services Area, shall only be permitted with a class A Conditional use approval.

c. **Previous development orders.** Property which has a development order may also receive an additional development order for a temporary agricultural use in accordance with the standards enumerated in 6.4.D. (Supplementary use standards) for specific agricultural uses, however, the agricultural use shall not be eligible for an agricultural tax exemption.

1.2. **CN, Neighborhood Commercial District.** The purpose and intent of the CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half (1/2) mile radius, located on a local, collector or an arterial road, with a total lot area of not less than one (1) acre. The CN district corresponds to the Commercial High Intensity (CH) and the Commercial Low Intensity (CL) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

**PERMITTED USES:**

Agriculture storage, enclosed  
Fruit & vegetable market  
Mobile minor vehicle repair & related services  
Newsstand or gift shop  
Nursery, retail  
Office, business or professional  
Personal services  
Printing & copying services  
Repair services, limited  
Restaurant, specialty  
Retail sales, general  
Shade house

**SPECIAL USES:**

Air curtain incinerator, temporary  
Amusements, temporary  
Recycling drop off bin  
Security / care takers quarters  
Stand for the sale of agricultural products

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Financial Institution  
Government services  
Packing plant  
Park, passive  
Recycling collection station  
Restaurant, general  
Stand for the sale of agricultural products

**CONDITIONAL USE, CLASS B:**

Agriculture storage, outdoor  
Building supplies, retail  
Congregate living facility, Type 2  
Day care center, limited  
Fitness center  
Grooms quarters  
Laundry services  
Nursery, wholesale  
Park, public  
Stable, commercial

**CONDITIONAL USE, CLASS A:**

Agriculture  
Air curtain incinerator, temporary  
Assembly, nonprofit institutional  
Church or place of worship  
Communication tower, commercial  
Congregate living facility, Type 3  
Convenience store, no gas sales  
Day care center, general  
Electrical power facility  
Entertainment, indoor  
Equestrian arena, commercial  
Funeral home or crematory  
Groves, row crops  
Livestock, raising  
Lounge, cocktail  
Medical office or dental clinic  
Nursing or convalescent facility  
Recycling center

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Utility, minor

Solid waste transfer station  
Veterinary clinic  
Water or wastewater treatment plant

#### Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

2. **CLO, Limited Office Commercial District.** The purpose and intent of the CLO district is to encourage development of low-intensity business offices and the integration of other complementary uses within the local environment where located on a local, collector, or an arterial road. The CLO district shall also serve as a transition between residential areas and intense commercial development. The CLO district corresponds to the Commercial Low Intensity-Office Only (CL-O) and the Commercial and the Commercial High Intensity Office (CHO), Commercial Low Intensity (CL), and Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

#### PERMITTED USES:

Agriculture storage, enclosed  
Mobile minor vehicle repair &  
related services  
Newsstand or gift shop  
Nursery, retail  
Office, business or professional  
Park, passive  
Personal services  
Printing and copying services  
Repair services, limited  
Shade houses

#### SPECIAL USES:

Air curtain incinerator, temporary  
Recycling drop off bin  
Security / caretakers quarters  
Stand for sale of agricultural products

#### CONDITIONAL USE, CLASS B:

Agriculture storage, outdoor  
Day care center, limited  
Grooms quarters  
Nursery, wholesale  
Restaurant, general  
Stable, commercial

#### PERMITTED SUBJECT TO DRC SITE PLAN:

Data Information Processing  
Financial institution  
Government services  
Laundry services  
Packing plant  
Restaurant, specialty  
Utility, minor

#### CONDITIONAL USE, CLASS A:

Agriculture  
Air curtain incinerator, temporary  
Church or place of worship  
Communication tower, commercial  
Day care center, general  
Electrical power facility  
Equestrian arena, commercial  
Groves, raw crop  
Livestock raising  
Medical office or dental clinic  
Solid waste transfer station  
Veterinary clinic  
Water or wastewater treatment plant

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## Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D.
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

3. **CC, Community Commercial District.** The purpose and intent of the CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three (3) to five (5) mile radius, located on a collector or an arterial road, with a total lot area of not less than one (1) acre, that is planned and developed as an integral unit. The CC district corresponds to the Commercial Low Intensity (CL) and Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

### PERMITTED USES:

Agriculture Storage, enclosed  
Fruit and vegetable market  
Minor mobile vehicle repair &  
related services  
Newsstand or gift shop  
Nursery, retail  
Nursery, wholesale  
Office, business or professional  
Park, passive  
Personal services  
Printing and copying services  
Repair services, limited  
Restaurant, general  
Restaurant, specialty  
Retail sales, general  
Shade house  
Veterinary, clinic

### SPECIAL USES:

Air curtain incinerator, temporary  
Amusements, temporary  
Mobile or temporary retail sales  
Recycling collection station  
Recycling drop off bin  
Security or caretakers quarters  
Stand for sale of agriculture products

### CONDITIONAL USE, CLASS A:

Air curtain incinerator,  
Automotive service station  
Arena, auditorium or stadium  
Car wash and auto detailing

### PERMITTED SUBJECT TO DRC SITE PLAN:

Day care center, limited  
Fitness center  
Government services  
Greenhouse or nursery, retail  
Laundry services  
Packing Plant  
Park, public  
Stable, commercial  
Stand for the sale of agricultural products  
Utility, minor

### CONDITIONAL USE, CLASS B:

Agriculture  
Agriculture storage, outdoor  
Auction, enclosed  
Assembly, nonprofit institutional  
Assembly, nonprofit membership  
Broadcasting studio  
Communication tower, commercial  
Financial institution  
Grooms quarters  
Medical office or dental clinic  
Parking lot, commercial  
Recycling center  
Vocational school

Entertainment, outdoor  
Equestrian arena, commercial  
Funeral home or crematory  
Hospital or medical center

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1 Church or place of worship  
2 College or university  
3 Congregate living facility,  
4 Type 3  
5 Convenience store, no gas sales  
6 Convenience store,  
7 with gas sales  
8 Day care center, general  
9 Electrical power facility  
10 Entertainment, indoor

Golf course  
Groves, raw crop  
Livestock raising  
Lounge, cocktail  
Nursing or convalescent facility  
Restaurant, fast food  
Self-service storage  
School, elementary or secondary  
Solid waste transfer station  
Vehicle inspection center  
Vehicle sales and rental  
Water or wastewater treatment plant

#### References Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

4. **CHO, Commercial High Office District.** The purpose and intent of the CHO district is to encourage development of business office parks and the integration of other complementary uses within the business environment. The CGO district corresponds to the previous Specialized Commercial District and the Commercial High Intensity-Office Only (CH-O), and the Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

#### PERMITTED USES:

Agriculture storage, enclosed  
Data Information Processing  
Fitness center  
Laundry services  
Newsstand or gift shop  
Office, business or professional  
Nursery, retail  
Nursery, wholesale  
Park, passive  
Personal services  
Printing and copying services  
Repair services, limited  
Restaurant, specialty  
Shade house  
Mobile minor vehicle repair &  
related services  
Vocational School

#### CONDITIONAL USE, CLASS B:

Agriculture  
Agricultural storage,

#### SPECIAL USES:

Air curtain incinerator, temporary  
Recycling drop off bin  
Security / care takers quarters  
Stand for sale of agriculture products

#### PERMITTED SUBJECT TO DRC SITE PLAN:

Broadcasting studio  
Day care center, limited  
Government services  
Grooms quarters  
Heliport or helipad  
Medical office or dental clinic  
Motion picture production studio  
Packing plant  
Stable, commercial  
Utility, minor

#### CONDITIONAL USE, CLASS A:

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1 Church or place of worship  
2 Communication tower, commercial  
3 Day care center, general  
4 Financial institution  
5 Hotel or motel  
6 Marine facility  
7 Medical or dental laboratory  
8 Parking lot, commercial  
9 Restaurant, general  
10 Veterinary clinic

Air curtain incinerator  
College or university  
Electrical power facility  
Equestrian arena, commercial  
Groves/row crops  
Hospital or medical center  
Livestock, raising  
Lounge, cocktail  
Restaurant, fast food  
School, elementary or secondary  
Solid waste transfer station  
Water or wastewater treatment plant

#### Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

5. **CG, General Commercial District.** The purpose and intent of the CG district is to encourage the development of an intensive commercial use providing a wide range of goods and services, located adjoining at least one (1) major collector or arterial road that services a consumer market of at least a three (3) mile radius. The CG district corresponds to the Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

#### PERMITTED USES:

Agricultural sales and service  
Agriculture storage  
Assembly nonprofit institutional  
Data Information Processing  
Fitness center  
Fruit and vegetable market  
Greenhouse or nursery, retail  
Laundry services  
Lounge, cocktail  
Medical or dental laboratory  
Mobile Minor Vehicle repair & related services  
Monument sales, retail  
Newsstand or gift shop  
Nursery, retail  
Nursery, wholesale  
Office, business or professional  
Park, passive  
Personal services  
Pottery shop, custom  
Printing and copying services  
Repair services, limited  
Restaurant, general

#### SPECIAL USES:

Adult entertainment  
Air curtain incinerator, temporary  
Amusements, temporary  
Mobile or temporary retail sales  
Recycling collection station  
Recycling drop off bin  
Stand for the sale of agricultural products  
Security or caretakers quarters

#### PERMITTED SUBJECT TO DRC SITE PLAN:

Auction, enclosed  
Assembly, nonprofit membership  
Broadcasting studio  
Day care center, limited  
Government services  
Grooms quarters  
Heliport or helipad  
Medical office or dental clinic  
Motion picture production studio  
Packing plant  
Park, public

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1 Restaurant, specialty  
2 Retail sales, general  
3 Shade house  
4 Veterinary, clinic  
5 Vocational school

Parking lot, commercial  
Recycling center  
Stable, commercial  
Upholstery shop  
Utility, minor

7 **CONDITIONAL USE, CLASS B:**

7 **CONDITIONAL USE, CLASS A:**

9 Agriculture  
10 Agriculture storage, outdoor  
11 Building supplies, retail  
12 Car wash and auto detailing  
13 Cemetery  
14 Church or place of worship  
15 Communication tower, commercial  
16 Congregate living facility,  
17 Type 3  
18 Convenience store, no gas sales  
19 Day care center, general  
20 Dispatching office  
21 Entertainment, indoor  
22 Financial institution  
23 Flea market, enclosed  
24 Golf course  
25 Gun club, enclosed  
26 Hotel or motel  
27 Kennel, commercial  
28 Landscape maintenance service  
29 Marine facility  
30 Nursing or convalescent facility  
31 Transportation facility  
32 Vehicle inspection center  
33 Woodworking or cabinetmaking  
34 Zoo

Air curtain incinerator,  
Auction, outdoor  
Automotive paint and body shop  
Automotive service station  
Arena, auditorium or stadium  
Building supplies, wholesale  
College or university  
Convenience store,  
with gas sales  
Day labor employment service  
Electrical power facility  
Entertainment, outdoor  
Equestrian arena, commercial  
Excavation Type III  
Flea market, open  
Funeral home or crematory  
Groves/row crops  
Hospital or medical center  
Livestock raising  
Parking garage, commercial  
Repair and maintenance, general  
Restaurant, fast food  
Self-service storage  
School, elementary or secondary  
Solid waste transfer station  
Theater, drive-in  
Vehicle sales and rental  
Water or wastewater treatment plant

37 **Reference Sections:**

- 38  
39 1) Supplementary Use Standards -- See Section 6.4.D  
40 2) Property Development Regulations -- See Section 6.5  
41 3) Accessory/Temporary Structure Standards -- See Section 6.6  
42 4) Off-street Parking/Loading -- See Section 7.2  
43 5) Landscaping -- See Section 7.3  
44 6) Lighting/Noise Standards -- See Section 7.8  
45 7) Signs -- See Section 7.14  
46 8) Vegetation Protection -- See Section 7.5

- 47  
48 6. **CRE, Commercial Recreation District.** The purpose and intent of the CRE district is  
49 to provide lands for major commercial recreation uses that are either publicly or privately  
50 operated, that require large amounts of land and have major effects on adjacent uses. The  
51 CRE district corresponds to the Commercial Recreation land use designation in the  
52 Future Land Use Element of the Comprehensive Plan, and can be applied only to those  
53 areas designated Commercial Recreation (CR), or Industrial (IND) in the Future Land  
54 Use Element of the Comprehensive Plan. In some cases the CRE district may be applied

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in the Rural Residential 10 (RR10) land use designation for those uses identified in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the standards referenced below.

**PERMITTED USES:**

Equestrian arena  
Fitness center  
Gun club, enclosed  
Newsstand or gift shop  
Nursery, wholesale  
Park, passive  
Parking lot, commercial  
Restaurant, general  
Restaurant, specialty  
Stable, commercial  
Theater, drive-in  
Mobile minor vehicle repair  
& related services

**SPECIAL USES:**

Air curtain incinerator, temporary  
Amusements, temporary  
Recycling drop off bin  
Security or caretakers quarters

**CONDITIONAL USE, CLASS B:**

Airplane landing strip, accessory  
Church or place of worship  
Communication tower, commercial  
Marine facility

**Reference Sections:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

Subpart. Section 6.2.F, Zoning Districts; District Purposes; Industrial districts, is amended to add language as follows:

**F. Industrial districts.**

**1. General.** Agricultural Uses in the Urban Services Area.

- a. Applicability.** Uses existing at the time of adoption of the ordinance permitting agricultural uses in the urban services area shall be considered to be conforming. Any

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Campground  
Day care center, general  
Day care center, limited  
Entertainment, indoor  
Entertainment, outdoor  
Government services  
Golf course  
Heliport or helipad  
Hotel or motel  
Park, public  
Utility, minor  
Zoo

**CONDITIONAL USE, CLASS A:**

Airport  
Arena, auditorium or stadium  
Electrical power facility  
Excavation, Type III  
Gun club, open  
Motion picture production studio  
Water or wastewater

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expansion of existing agricultural uses and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC.

b. **Uses.** Agricultural uses not listed below as permitted within the Urban Services Area, shall only be permitted with a class A Conditional use approval.

c. **Previous development orders.** Property which has a development order may also receive an additional development order for a temporary agricultural use in accordance with the standards enumerated in 6.4.D. (Supplementary use standards) for specific agricultural uses, however, the agricultural use shall not be eligible for an agricultural tax exemption.

4.2. **IL, Light Industrial District.** The purpose and intent of the IL district is to provide sufficient lands in appropriate locations for certain types of business, light manufacturing, or processing uses likely to cause undesirable effects upon nearby or adjacent residential or commercial lands. The IL district corresponds to the Industrial (IND) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

#### **PERMITTED USES:**

Agriculture  
Agricultural research / development  
Agricultural storage, enclosed  
Agricultural storage, outdoor  
Assembly, nonprofit institutional  
Assembly, nonprofit membership  
Automotive paint and body shop  
Broadcasting studio  
Data Information Processing  
Dispatching office  
Fitness center  
Government services  
Grain milling or processing  
Greenhouse or nursery, wholesale  
Grooms quarters  
Groves, raw crop  
Landscape maintenance service  
Machine or welding shop  
Manufacturing or processing  
Marine facility  
Medical or dental laboratory  
Mobile minor vehicle repair & related services  
Monument sales, retail  
Motion picture production studio  
Nursery, wholesale  
Office, business or professional  
Park, passive  
Parking garage, commercial  
Parking lot, commercial  
Pottery shop, custom  
Printing and copying services  
Recycling center  
Repair and maintenance, general  
Repair services, limited  
Restaurant, general

#### **SPECIAL USES:**

Adult entertainment  
Air curtain incinerator, temporary  
Amusements, temporary  
Mobile or temporary retail sales  
Recycling collection station  
Recycling drop off bin  
Security or caretakers quarters

#### **PERMITTED SUBJECT TO DRC SITE PLAN:**

Agricultural transshipment  
Building supplies, retail  
Building supplies, wholesale  
Car wash and auto detailing  
Communication tower, commercial  
Composting facility  
Contractor's storage yard  
Day care center, limited  
Day labor employment service  
Entertainment, indoor  
Entertainment, outdoor  
Funeral home or crematory  
Golf course  
Gun club, enclosed  
Heliport or helipad  
Packing plant  
Park, public  
Self-service storage  
Stable, commercial  
Transportation facility  
Utility, minor  
Water or waste water

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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1 Towing service and storage  
2 Upholstery shop  
3 Vehicle inspection center  
4 Vocational School  
5 Warehousing  
6 Wholesaling, general  
7 Woodworking or cabinetmaking  
8  
9  
10  
11  
12  
13  
14

15 **CONDITIONAL USE, CLASS A:**

16  
17 Air curtain incinerator, permanent  
18 Electrical power facility  
19 Excavation, Type III  
20 Heavy industry  
21 Livestock raising  
22 Solid waste transfer station  
23 Vehicle sales and rental  
24

25 **Referenced Sections:**

- 26  
27 1) Supplementary Use Standards -- See Section 6.4.D  
28 2) Property Development Regulations -- See Section 6.5  
29 3) Supplementary Development Standards -- See Section 6.6  
30 4) Off-street Parking/Loading -- See Section 7.2  
31 5) Landscaping -- See Section 7.3  
32 6) Performance Standards -- See Section 7.8  
33 7) Signs -- See Section 7.14  
34 8) Vegetation Protection -- See Section 7.5  
35

36 **2.3. IG, General Industrial District.** The purpose and intent of the IG district is to provide  
37 lands in appropriate locations for those uses with one (1) or more of the following  
38 characteristics: industrial processes that involve significant amounts of heat, mechanical  
39 and chemical processing; large amounts of material transfer; and large scale structures.  
40 The IG district provides for those industrial uses that are not located in a planned  
41 industrial park, as well as permitting such planned uses. Such industrial uses are to be  
42 located with convenient access to transportation facilities. The IG district corresponds to  
43 the Industrial (IND) land use designation in the Future Land Use Element of the  
44 Comprehensive Plan. The following uses are subject to the standards referenced below.  
45

46 **PERMITTED USES:**

47  
48 Agriculture  
49 Agricultural research/ development  
50 Agriculture storage, enclosed  
51 Agriculture storage, outdoor  
52 Agricultural transshipment  
53 Automotive paint and body shop  
54 Building supplies, wholesale  
55 Contractor's storage yard  
56 Data Information Processing  
57 Day labor employment service

**CONDITIONAL USE, CLASS B:**

Auction, outdoor  
Automotive service station  
Chipping and mulching  
Day care center, general  
Equestrian arena, commercial  
Flea market, open  
Gas and fuel wholesale  
Kennel, commercial  
Laboratory, industrial research  
Nursery, retail  
Potting soil manufacturing  
Recycling plant

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Automotive service station  
Asphalt or concrete plant  
Chipping and mulching  
Communication tower, commercial  
Composting facility  
Day care center, limited  
Gas and fuel storage  
Heavy industry  
Heliport or helipad

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1 Dispatching office  
2 Government services  
3 Grain milling or processing  
4 Grooms quarters  
5 Groves, raw crop  
6 Gun club, enclosed  
7 Laboratory, industrial research  
8 Machine or welding shop  
9 Manufacturing or processing  
10 Marine facility  
11 Mobile minor vehicle repair &  
12 related services  
13 Motion picture production studio  
14 Nursery, wholesale  
15 Office, business or professional  
16 Park, passive  
17 Pottery shop, custom  
18 Recycling center  
19 Repair and maintenance, general  
20 Repair services, limited  
21 Restaurant, general  
22 Shade house  
23 Sugar mill or refinery  
24 Towing service and storage  
25 Upholstery shop  
26 Vocational School  
27 Warehousing  
28 Wholesaling, general  
29 Woodworking or cabinetmaking

#### 31 SPECIAL USES:

32  
33 Adult entertainment  
34 Air curtain incinerator, temporary  
35 Security / care takers quarters  
36 Stand for the sale of agricultural products  
37

#### 38 Referenced Sections:

- 39  
40 1) Supplementary Use Standards -- See Section 6.4.D  
41 2) Property Development Regulations -- See Section 6.5  
42 3) Supplementary Development Standards -- See Section 6.6  
43 4) Off-street Parking/Loading -- See Section 7.2  
44 5) Landscaping -- See Section 7.3  
45 6) Performance Standards -- See Section 7.8  
46 7) Signs -- See Section 7.14  
47 8) Vegetation Protection -- See Section 7.5  
48

49 Subpart. Section 6.2, Zoning Districts; District Purposes, is amended to add language as  
50 follows:

#### 51 G. Public ownership district.

- 52  
53  
54 1. PO, Public Ownership The purpose and intent of the PO district is to  
55 provide a coordinated land planning approach to the sale, rent, lease,  
56 purchase, management, or alteration of publicly owned or operated lands.  
57 Notwithstanding those public uses permitted elsewhere in this Code, the

Packing plant  
Park, public  
Potting soil manufacturing  
Recycling plant  
Self-service storage  
Stable, commercial  
Transportation facility  
Utility, minor  
Water or waste water

#### CONDITIONAL USE, CLASS B:

Airplane landing strip, accessory  
Day care center, general  
Equestrian arena, commercial  
Nursery, retail  
Solid waste transfer station

#### CONDITIONAL USE, CLASS A:

Airport  
Air curtain incinerator, permanent  
Electrical power facility  
Excavation, Type III  
Livestock, raising  
Salvage or junk yard  
Recycling collection station  
Recycling drop off bin  
Security or caretakers quarters

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PO district is primarily concerned with, although not limited to, the enlightened planning of parks and recreation areas, public buildings and facilities, and other capital improvements of a distinctly significant nature. The PO district corresponds to all land use categories in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

**PERMITTED USE:**

Assembly, nonprofit institutional  
Campground  
College or university  
Electrical power facility  
Gas and fuel, wholesale  
Government services  
Heliport or helipad  
Hospital or medical center  
Park, passive  
Park, public  
Parking lot, commercial  
Recycling center  
School, elementary or secondary  
Transportation facility  
Vehicle inspection center  
Mobile minor vehicle repair  
& related services  
Water or wastewater  
Zoo

**CONDITIONAL USE, CLASS B:**

Cemetery  
Golf course  
Recycling plant  
Solid waste transfer station

**Reference section:**

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 7.5

Subpart. Section 6.4.B, Zoning Districts; Use Regulations and Definitions; Use classification, is amended to delete subsections 1 through 7 in their entirety and delete and add language as follows:

**B. Use classification.** The list of use classifications included in the Use Regulations Schedule (Table 6.4-1) ~~and defined in this subsection~~ is intended to classify uses on the basis of common functional characteristics and land use compatibility. Other uses not specifically listed in the Use Regulations Schedule, but exhibiting similar characteristics to a listed use

**PERMITTED SUBJECT TO DRC SITE PLAN:**

Arena, auditorium or stadium  
Chipping and mulching  
Communication tower, commercial  
Composting facility  
Day care center, general  
Day care center, limited  
Gun club, enclosed  
Marine facility  
Potting soil manufacturing  
Utility, minor

**SPECIAL USE:**

Air curtain incinerator, temporary  
Retail sales, mobile, temporary or transient  
Security or caretaker quarters

**CONDITIONAL USE, CLASS A:**

Air curtain incinerator, permanent  
Airport  
Excavation, type III

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shall be so classified by the interpretation of the Executive Director of PZB pursuant to the procedures and standards of Art. 2, Interpretation.

Subpart.

Section 6.4.C., Zoning Districts; Use Regulations and Definitions, has been amended to add language as follows:

.....

C. Use regulations schedule. The Use Regulations Schedule contained in Table 6.4-1 shall be interpreted as follows.

2. Permitted by right. Uses identified in a particular district column with a "P" are "permitted by right" and shall be permitted in such district, subject to such supplementary use standards as may be indicated in the "Note" column and subject to the other requirements of this Code. Uses identified with a "P" may be subject to Site Plan/Final Subdivision Plan review if specifically required by other provisions of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.

3. Site plan/final subdivision plan. Uses identified in a particular district column with a "D" are "permitted subject to Site Plan/Final Subdivision Plan review" and shall be permitted in such district only if a Site Plan/Final Subdivision Plan is submitted and approved in compliance with the provisions of this Code for the use by the Development Review Committee in accordance with the procedures and standards of Sec. 5.6, Site Plan/Final Subdivision Plan, subject to such supplementary use standards as may be indicated in the "Note" column of the Use Regulations Schedule tables of Secs. 6.4 and 6.8, and the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.

4. Special use. Uses identified in a particular district column with an "S" are "special uses" and shall be permitted in such district only if they meet the supplementary use standards indicated in the "Note" column for the use and are approved by the Zoning Director in accordance with the procedures and standards of Sec. 5.5 (Special Permit Uses), and subject to the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.

Conditional use, Class B. Uses identified in a particular district column with a "B" are "Class B conditional uses" and shall be permitted in such district only if they are approved by the Zoning Commission in accordance with the procedures and standards of Sec. 5.4.F (Class "B" Conditional uses), subject to such supplementary use standards as may be indicated in the "Note" column, and the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.

5. Conditional use, Class A. Uses identified in a particular district column with a "A" are "Class A conditional uses" and shall be permitted in such district only if they are approved by the Board of County Commissioners

Highlighted language (e.g., ~~the~~) indicates proposed new language.  
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1 in accordance with the procedures and standards of Sec. 5.4.E (Class "A"  
2 Conditional uses), subject to such supplementary use standards as may be  
3 indicated in the "Note" column, and the other standards of this Code.  
4 Prior to receipt of a Certificate of Occupancy, all required permits from  
5 affected regulatory agencies must be obtained and the use must operate in  
6 accordance with those permits.  
7  
8

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Highlighted language (e.g., the) indicates proposed new language.  
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Subpart. Section 6.4, Table 6.4-1, Zoning Districts, Use Regulation Schedule, is amended to add language as follows:

**TABLE 6.4-1**  
**USE REGULATIONS SCHEDULE**

Use Type	Zoning District																				NOTE				
	Agriculture/ Conservation					Residential										Commercial						Indust/ Public			
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G		C R E	I L	I G	P O
						R U R A L	U S A																		
Residential uses																									
Single-family		P				P	P	P	P	P	P	P	P	P	P										88
Zero lot line home												D	D	D	D										103
Townhouse													D	D	D	D									95
Multi-family														P	P										65
Mobile home dwelling						S		S																	62
Accessory dwelling		S	S	S		S	S	S	S	S	S	S	S	S	S										1
Congregate living facility, Type 1						P	P	P	P	P	P	P	P	P	P										24
Congregate living facility, Type 2					D	A	A	A					A	B	B	B									24
Congregate living facility, Type 3													A	A	A	A	A		B						24
Estate kitchen		P	P	P		P	P	P	P	P	P	P	P	P	P										34.1
Farm residence		P	P	P																					36
Farm tenant quarters		P	P	P																					37
Garage sale		P	P	P		P	P	P	P	P	P	P	P	P	P										44
Grooms quarter						P	P	P	P	P	A	A	A	A	A	B	B	D	D	D	P	P	P		66.2
Guest cottage		P	P	P		P	P	P	P	P	P	P	P	P	P										47.2
Home occupation		P	P	P		P	P	P	P	P	P	P	P	P	P										50
Migrant farm labor quarters		D	D	D																					61
Nursing or convalescent facility					A							A	A	A	A	A	A		B						67
Security or caretaker quarters		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	86

P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
 USA = Urban Services Area RURAL = Rural Area  
 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)



TABLE 6.4-1  
USE REGULATIONS SCHEDULE

Use Type	Zoning District																				NOTE			
	Agriculture / Conservation					Residential								Commercial					Indust / Public					
	P	A	A	S	R	AR		C	R	R	R	R	R	R	C	C	C	C	C	I		I	P	
	C	G	P	A	S	R	R	U	S	E	T	T	S	T	N	L	C	H	G	R		L	G	O
Agricultural uses																								
Agricultural research/development		D	D	D																P	P		3	
Agricultural sales and service		B	B	A	B													P					4	
Agricultural transshipment		D	D	A																D	P		5	
Agriculture, bona fide		P	P	P		P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		6	
Aviculture		P	P	P		P																	15.1	
Community vegetable garden												D	D	D	D								22.1	
Equestrian arena, commercial		D		D	D	B	B	B	B	B	B	A	A	A	A	A	A	A	A	P	B	B	34	
Groves/row crops						D	D	D	B	B	B	A	A	A	A	A		A		P	P		47.1	
Kennel, commercial				A	D													B		B			53	
Kennel, private				P		D	D	B	B	A	A	A	A	A	A								54	
Livestock raising						D	D	A	A	A	A	A	A	A	A	A	A	A	A	A	A		56.1	
Packing plant						B	B	A	A	A	A	A	A	A	A	A	B	B	D	D	D	D	68.1	
Potting soil manufacturing		D	D	A																B	D	D	73	

P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
 USA = Urban Services Area RURAL = Rural Area  
 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)



Use Type	Zoning District																				NOTE				
	Agriculture / Conservation					Residential								Commercial					Indust / Public						
	P	A	A	S	R	AR		C	R	R	R	R	R	R	C	C	C	C	C	I		I	P		
	C	G	P	A	S	R	R	U	S	A	R	E	T	S	T	U	S	M	H	N		L	O	G	O
Agricultural uses																									
Shadehouse, accessory						P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	87.1	
Stable, commercial		D	D	D	D	D	D	B	A	A	A	A	A	A	A	B	B	D	D	D	P	D	D	90	
Stable, private		P	P	P	P	P	P	P	P	B	B	B	B	B	B	B	B							91	
Stand for the sale of ag. products		S	S	S	S	S	S	S								P	P	P	P	P	P	P	P	92	
Storage, agricultural						P	P	D	D	D	D	D	D	D	D	P		P		P		P	P	92.1	
Storage, outdoor						P	P	B	B	B	B	B	B	B	B	B	B		B		B		P	P	92.1
Sugar mill or refinery			P	A																		P		93	

P = Permitted    S = Special Use    D = Permitted Subject to DRC Site Plan  
 B = Conditional Use, Class B (ZC Approval)    A = Conditional Use, Class A (BCC Approval)  
 USA = Urban Services Area    RURAL = Rural Area  
 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)



USE REGULATIONS SCHEDULE

Use Type	Zoning District																							NOTE	
	Agriculture/ Conservation					Residential								Commercial						Indust/ Public					
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G	C R E	I L	I G		P O
						R U R A L	U S A																		
Public and civic uses																									
Airplane landing strip, accessory		B	B		B	B															B		B		9
Airport																					A		A	A	9
Assembly, nonprofit institutional			D		B	A							A	A	A	A		B		P		P	P		12
Assembly, nonprofit membership					B													B		D		P			12
Cemetery			D	B		A	A		A	A	A	A	A	A	A					B			B		19
Church or place of worship			B	A	B	A	A		A	A	A	A	A	A	A	A	A	A	B	B	B				21
College or university					A	A	A											A	A	A				P	
Day care center, general					A	A	A		A	A	A	A	A	A	A	A	A	A	B	B	D	B	B	D	28
Day care center, limited		D	D	B	D	A	A		A	A	A	A	A	B	B	B	B	D	D	D	D	D	D	D	28
Government services		D	D	B	B	A	A		A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	46
Heliport or helipad		D	D			A	A		A	A	A			A					D	D	D	D	D	P	9
Hospital or medical center				A	A													A	A	A				P	52
Park, public	D	B	B	D	D	B	B		B	A	A	A	A	A	B	B	B		D		D	D	D	P	70
School, elementary or secondary			A	A	A	A	A		A	A	A	A	A	A	A			A	A					P	85
Transportation facility																				B		D	D	P	

P = Permitted    S = Special Use    D = Permitted Subject to DRC Site Plan  
B = Conditional Use, Class B (ZC Approval)    A = Conditional Use, Class A (BCC Approval)  
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**TABLE 6.4-1**  
**USE REGULATIONS SCHEDULE**

Use Type	Zoning District																								NOTE	
	Agriculture/ Conservation					Residential										Commercial						Indust/ Public				
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G	C R E	I L	I G	P O		
						R U R A L	U S A																			
Utilities																										
Air curtain incinerator, permanent		A	A	A																			A	A	A	7
Air curtain incinerator, temporary		S	S	S	S	S	S	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SB	SB	SB	S	8	
Chipping and mulching		B	B	A																			B	D	D	20
Communication tower, commercial	A	B	D	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	22
Composting facility		D	D	B																			D	D	D	23
Electrical power facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	31
Incinerator																										84
Recycling center																	A	B		D			P	P	P	
Recycling collection station					S												D	S		S			S	S		74
Recycling drop off bin		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	75
Recycling plant																							B	D	B	76
Sanitary landfill																										84
Solid waste transfer station		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	B	B	89
Utility, minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	96
Water or wastewater		B	B	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	101

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**TABLE 6.4-1**  
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Use Type	Zoning District																				NOTE				
	Agriculture/ Conservation					Residential								Commercial					Indust/ Public						
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G		C R E	I L	I G	P O
						R U R A L	U S A																		
Recreational uses																									
Amusements, temporary or Special events				S	S	S										S		S		S	S	S			10
Arena, auditorium or stadium					A													A		A	A			D	11
Campground	D			D	D																D			P	17
Entertainment, indoor																A		A		B	D	D			32
Entertainment, outdoor					A													A		A	D	D			33
Fitness center														B	B	B		D	P	P	P	P			39
Golf course					A			A	A	A	A	A	A	A	A			A		B	D	D		B	45
Gun club, enclosed			D	A	D															B	P	D	P	D	48
Gun club, open			D	A	A																A			B	48
Gun range, private		D	D	D		A																			49
Marine facility																			B	B	B	P	P	D	59
Park, passive	P	P	P	P	P	D	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	69
Zoo				B	B	A														B	D			P	104

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**TABLE 6.4-1**  
**USE REGULATIONS SCHEDULE**

Use Type	Zoning District																				NOTE					
	Agriculture/Consevation					Residential										Commercial						Indust/Public				
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G		C R E	I L	I G	P O	
						R U R A L	U S A																			
Commercial uses																										
Adult entertainment																				S			S	S		2
Auction, enclosed					A													B		D						13
Auction, outdoor					A															A			B			13
Automotive paint or body shop																				A			P	P		14
Automotive service station																		A		A			B	D		15
Bed and Breakfast					A	S	S	S	S	S	S	S	S	S	S											16
Broadcasting studio																		B	D	D			P			
Building supplies, retail					B												B			B			D			
Building supplies, wholesale																				A			D	P		
Car wash and auto detailing																		A		B			D			18
Contractor's storage yard					D																		D	P		25
Convenience store, no gas sales																	A	A		B						26
Convenience store with gas sales																		A		A						27
Day labor employment service																				A			D	P		29
Dispatching office					D															B			P	P		30
Financial institution																	D	D	B	B	B					38
Flea market, enclosed																				B						40
Flea market, open																				A			B			41
Fruit and vegetable market		D		P	P												P		P	P						42

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Use Type	Zoning District																							NOTE			
	Agriculture/ Conservation					Residential										Commercial						Indust/ Public					
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G	C R E	I L	I G		P O		
						R U R A L	U S A																				
Commercial uses																											
Funeral home or crematory					B												A		A		A			D			43
Gas and fuel, wholesale					B																			B	D	P	
Greenhouse Nursery, retail		P			D	P	A	A	A	A	A	A	A	A	A	A	P		P		P			B	B		66.1
Greenhouse Nursery, wholesale		P	P		D	P	D	D	D	B	B	B	B	B	B	B	B	B	P	P	P	P	P	P	P	P	47 66.7
Hotel, motel, SRO, Boarding & Rooming House															A					B	B	D					51
Landscape maintenance service		B			A	B	A														B			P			55
Laundry services																	B	D	D	P	P						56
Lounge, cocktail																	A		A	A	P						57
Medical office or dental clinic		B	B	B	B												A	A	B	D	D						60
Medical or dental laboratory																				B	P			P			
Monument sales, retail																					P			P			
Newsstand or gift shop																	P	P	P	P	P	P					66
Office, business or professional																	P	P	P	P	P			P	P		68
Parking garage, commercial																					A			P			71
Parking lot, commercial																			B	B	D	P		P		P	71
Personal services																	P	P	P	P	P						72
Printing and copying services																	P	P	P	P	P			P			
Repair and maintenance, general					A																A			P	P		77
Repair services, limited					B												P	P	P	P	P			P	P		78
Restaurant, fast food																			A	A	A			A			79

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Use Type	Zoning District																				NOTE		
	Agriculture/ Conservation					Residential								Commercial						Indust/ Public			
	P	A	A	S	R	AR	C	R	R	R	R	R	R	C	C	C	C	C	I	I		P	
	C	G	P	A	S	R	R	E	T	T	T	S	M	H	N	L	C	H	G	L		G	O
		R			R	U	S								O	O	O	E					
						R	U	S															
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**USE REGULATIONS SCHEDULE**

Use Type	Zoning District																				NOTE			
	Agriculture/ Conservation					Residential										Commercial						Indust/ Public		
	P	A	A	S	R	AR		C	R	R	R	R	R	R	R	C	C	C	C	C		I	I	P
	C	G	P	A	S	R	U	S	E	T	T	T	S	M	H	N	L	C	H	O		L	G	O

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1 Subpart. Section 6.4.D.6, Zoning Districts; Use Regulations and  
2 Definitions; Agriculture is amended to delete standards  
3 for TAO - Temporary Agricultural Operation and delete and  
4 add language as follows:  
5

- 6 6. Agriculture, bona fide means any plot of land where  
7 the principal use is bona fide agricultural meaning  
8 the raising of crops inclusive of organic farming  
9 or raising of animals inclusive of aquaculture or  
10 production of animal products such as eggs or dairy  
11 products inclusive of apiculture, or a retail or  
12 wholesale nursery on an agricultural or commercial  
13 basis. Agricultural uses shall comply with the  
14 following supplementary use standards.  
15

16 ~~Newly established permanent bona fide agricultural~~  
17 ~~uses shall occur on property with a land use~~  
18 ~~designation of AP, AGR, RR10, and in some instances~~  
19 ~~LR1. Uses listed in the use schedule under the~~  
20 ~~agriculture category are not necessarily considered~~  
21 ~~bona fide agriculture uses. Agricultural uses shall~~  
22 ~~comply with the following supplementary use~~  
23 ~~standards.~~  
24

25 A determination as to whether the use of the land  
26 for agriculture is bona fide shall only be made  
27 where both 1 and 2 below are met. Criteria listed  
28 in item 3 below shall be used as guidelines in the  
29 determination.  
30

31 1. Designation criteria.  
32

- 33 a. The property is designated as Agricultural  
34 Production or Agricultural Reserve on the Future  
35 Land Use Plan Map; or  
36

- 37 b. The property meets the following standards:  
38

- 39 (1) The use has been continuous; and  
40  
41 (2) Farming procedures have been demonstrated by past  
42 action or documented plans to care sufficiently and  
43 adequately for the land in accordance with accepted  
44 commercial agricultural practices, including, but  
45 not limited to, fertilizing, liming, tilling,  
46 mowing, reforestation, and other accepted  
47 agricultural practices; and  
48  
49 (3) The property has received a qualified agricultural  
50 classification pursuant to Sec. 193.461, Fla.  
51 Stat.; and  
52

- 53 2. Productivity standards. The productivity or  
54 proposed net return or production of the farm  
55 operation based on net or yield for the type of  
56 agricultural production on the site is comparable  
57 to the average net or yield for the type of  
58 agriculture in Florida. In making this  
59 determination at least four (4) of the following  
60 standards shall be met:  
61

---

Highlighted language (e.g., the) indicates proposed new language.  
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- 1 a. The amount of land under cultivation or in  
2 agricultural use (including canal or drainage  
3 features) is greater than sixty percent (60%) of  
4 the total parcel;  
5  
6 b. Demonstration is made that there has been on-going  
7 investment in and maintenance of the agricultural  
8 land use or documented plans for investment in  
9 agricultural use of the land;  
10  
11 c. There are typical seasonal or full-time employees  
12 for the agricultural operation;  
13  
14 d. There is no nonagricultural development (except  
15 accessory agricultural uses as defined in Section  
16 6.4.D.6, or farm residences or farm workers  
17 quarters) on site.  
18  
19 e. Demonstration is made that the land will be used  
20 for agricultural production for more than five (5)  
21 years.

22  
23 3. Additional guidelines.

- 24  
25 a. The size of the land area, as it relates to a  
26 specific agricultural use is appropriate;  
27  
28 b. Whether such land is under lease, and if so, the  
29 effective length, terms and conditions of the  
30 lease;  
31  
32 c. The intent of the landowner to sell or convert the  
33 land for nonagricultural purposes;  
34  
35 d. The proximity of the property to existing urban  
36 metropolitan development;  
37  
38 e. The productivity of land in its present use; and  
39  
40 f. The Comprehensive Land Use Plan Designation.  
41  
42 ~~f. TAO - Temporary Agricultural Operation...~~

43  
44 4. Agricultural uses in the Urban Services Area (USA).

- 45  
46 a. Applicability. Uses existing at the time of  
47 adoption of the ordinance permitting agricultural  
48 uses in the urban services area shall be considered  
49 to be conforming. Any expansion of existing  
50 agricultural uses and any new agricultural uses  
51 shall be consistent with all applicable  
52 requirements and subject to review by the  
53 appropriate staff or review board as identified in  
54 the ULDC.  
55  
56 b. Uses. Agricultural uses not listed below as  
57 permitted within the Urban Services Area, shall  
58 only be permitted with a class A Conditional use  
59 approval.  
60  
61 c. Previous development orders. Property which has a  
62 development order may also receive an additional  
63 development order for a temporary agricultural use  
64 in the USA in accordance with the standards

---

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1 enumerated in 6.4.D. (Supplementary use standards)  
2 for the specific agricultural use, however, the  
3 agricultural use shall not be eligible for an  
4 agricultural tax exemption.  
5

6 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
7 Definitions; Supplementary use standards; is amended to  
8 alphabetically insert and add language as follows:  
9

10 **8.1 Air Stripper Tower (Remedial System).** means a  
11 temporary accessory petroleum contamination  
12 remedial system which treats contaminated  
13 groundwater from a site and treated groundwater is  
14 then reintroduced into the aquifer using an on-  
15 site recharge mechanism. A typical system includes  
16 air stripper towers or shallow tray aerator and  
17 infiltration gallery, groundwater recovery wells,  
18 and an aboveground centrifugal pump. A remedial  
19 system shall comply with the following  
20 supplementary use standards.  
21

22 **a. Permit.** A special permit shall be obtained  
23 from the Zoning Division to allow air stripper  
24 towers within the required building setbacks  
25 for the period to be determined by the  
26 Department of Environmental Resources  
27 Management. The special permit application  
28 shall include the following:  
29

30 **(1) Documents.** Supporting documents from the  
31 Department of Environmental Protection and the  
32 Palm Beach County Department of Environmental  
33 Resources Management for the remedial system.  
34

35 **(2) Building permit application.** Copies of  
36 Building Division application including  
37 necessary drawings and documents signed and  
38 sealed by a registered engineer ensuring the  
39 structural safety and stability of the  
40 mechanical equipment.  
41

42 **b. Property development regulations.** All property  
43 development regulations, including setbacks,  
44 shall be met. If the applicant is unable to  
45 meet the property development regulations, in  
46 lieu of a variance, the Zoning Division shall  
47 be authorized to determine the location of the  
48 remedial system and set necessary conditions  
49 for landscaping and screening.  
50

51 **c. Variance.** If the applicant does not agree with  
52 the recommendations and conditions for  
53 locating and buffering the remedial system,  
54 then an application for a variance must be  
55 submitted and approved.  
56

57 **d. Duration.** The length of time a remedial system  
58 may remain on site shall be determined by the  
59 Department of Environmental Resources.  
60  
61

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1 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
2 Definitions; Supplementary use standards; Assembly,  
3 nonprofit, is amended to add a new subsection and  
4 language as follows:  
5

6 12. Assembly, nonprofit, institutional and membership.  
7 A Both institutional and membership nonprofit  
8 assembly uses shall comply with the following  
9 supplementary use standards.  
10

11 a. Location. The use shall be located on a  
12 collector, a local commercial street or street of  
13 higher classification. ~~major arterial.~~  
14

15 b. AR District. In the AR district, a nonprofit  
16 assembly use ~~shall be located on a major arterial,~~  
17 and shall have a one hundred (100) foot buffer from  
18 residentially occupied or zoned property in  
19 addition to the required minimum setbacks.  
20

21 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
22 Definitions; Supplementary use standards, is amended to  
23 add a new subsection and language as follows:  
24

25 15.1. Aviculture means the breeding, raising and  
26 care of birds. Aviculture shall comply with  
27 the following supplementary use standards.  
28

29 a. Minimum Lot size. For avicultural uses with more  
30 than fifty (50) but less than two hundred (200)  
31 birds, the minimum lot size shall be two (2) acres.  
32 For avicultural uses with more than two hundred  
33 (200) birds, the minimum lot size shall be five (5)  
34 acres.  
35  
36

37 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
38 Definitions; Supplementary use standards, is amended to  
39 add a new subsection and language as follows:  
40

41 17.1 Camping cabin means an accessory use for  
42 recreational vehicle parks which consists of a  
43 cabin used for sleeping. A camping cabin shall  
44 comply with the following supplementary use  
45 regulations.  
46

47 a. Structure. The cabin shall comply with all  
48 structural regulations of the Palm Beach County  
49 Building Code.  
50

51 b. Duration. No person shall be permitted to reside in  
52 any camping cabin for more than thirty (30)  
53 consecutive days, and not more than sixty (60) days  
54 in any one-year period.  
55

56 c. Setbacks. Camping cabins shall be setback a minimum  
57 of twenty-five (25) feet from the boundary of the  
58 park and shall meet the setbacks required of the  
59 recreational vehicles.  
60

61 d. Location. A camping cabin may be located on a  
62 recreational vehicle pod in lieu of a recreational  
63 vehicle.  
64

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- 1 e. Size. A camping cabin shall be no more than four  
2 hundred square feet including outside porch area.  
3  
4 f. Amenities. A camping cabin may contain electrical  
5 outlets, heating and air conditioning units and  
6 fans but cooking facilities and plumbing are  
7 prohibited.  
8  
9 g. Permit. A tiedown permit must be obtained from the  
10 building department.  
11  
12  
13 h. Occupancy. A minimum of 50 square feet under roof  
14 shall be provided for each occupant of the cabin.  
15  
16 h. Limitation. A maximum of ten (10) percent of the  
17 total approved and developed lots may be converted  
18 to cabin use.  
19

20 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
21 Definitions; Supplementary use standards, is amended to  
22 add a new subsection and language as follows:  
23

24 22.1 Community vegetable garden. means a plot of land  
25 used as a vegetable garden intended to be  
26 cultivated and harvested by a group of residents of  
27 the surrounding area. The community vegetable  
28 garden shall be the primary use of the land. A  
29 community vegetable garden shall comply the  
30 following supplementary use standards:  
31

- 32 a. Maximum lot size. The maximum size of the community  
33 vegetable garden shall not exceed two acres.  
34  
35 b. Accessory Structures. Accessory structures shall be  
36 limited to a 400 square feet.  
37  
38 c. Setbacks. The Community Vegetable Garden and  
39 accessory activities shall maintain a setback of 25  
40 feet from all property lines adjacent to  
41 residentially zoned land. Accessory structures  
42 shall meet the setbacks of the district.  
43  
44 d. Use. Retail or wholesale sale of vegetables or  
45 other agricultural products is prohibited.  
46  
47 e. Equipment. Use of heavy equipment shall be  
48 prohibited.  
49  
50 f. Preservation. The use shall conform with all  
51 preservation, and vegetation removal requirements  
52 of the Palm beach County ULDC for the underlying  
53 permitted use, and shall conform with the  
54 provisions of Secs. 7.6 Vegetation Protection,  
55 Sections 9.2 Environmentally Sensitive Lands and  
56 9.4 Wetlands Protection of this Code.  
57

58 A setback of 100 feet shall surround all designated  
59 wetlands.  
60

- 61 g. Spraying. Aerial application of fertilizer or  
62 pesticides shall be prohibited.  
63  
64 h. Parking. A minimum of 4 parking spaces shall be

---

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provided in accordance with Section 7.2, Off Parking Standards, of this Code. Overnight parking shall be prohibited.

i. Loading. All loading and unloading activities shall be restricted the site and shall not encroach into any setbacks.

j. Storage. Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within the accessory structure.

i. Additional conditions. The Development Review Committee (DRC), may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.

Subpart. Section 6.4.D.34, Zoning Districts; Use Regulations; Supplementary Use Standards; Equestrian arena is amended to add language as follows:

34. Equestrian arena, commercial means an establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in pari-mutual betting. An equestrian arena use shall comply with the following supplementary use standards.

a. Location. An equestrian arena shall, at the minimum, be located on a collector street.

a-b. Setbacks. Riding and show rings shall not be located within one hundred (100) feet of any property line.

b-c. Operating hours. Activity at the rings shall not occur prior to ~~6:00~~ 7:00 a.m. nor continue later than 12:00 midnight.

d. Lighting. All lighting must be confined to the arena and shall not spill over to neighboring property.

e. Loudspeaker. Loudspeakers shall not be used after 11:00 p.m.

e-f. SA district. In the SA district an equestrian arena shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.

d-g. Urban Service Area.

(1) Minimum lot size. In the Urban Service Area, the minimum lot size shall be five (5) acres.

(2) Compatibility. The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners and the Development Review Committee (DRC), may impose

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conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.

(3) **Preservation.** The use shall conform with all preservation, and vegetation removal requirements of the Palm Beach County ULDC for the underlying permitted use, and shall conform with the provisions of Sec. 7.6 (Vegetation Protection), Secs. 9.2 (Environmentally Sensitive Lands) and 9.4 (Wetlands Protection) of this Code.

A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.

Subpart. Section 6.4.D, Zoning Districts; Use Regulations; Supplementary Use Standards is renumbered and a new subsection is added as follows:

34.1. **Estate kitchen.** Estate kitchen is an accessory use which is physically integrated with the main residence. There shall not be the presence of a complete living environment associated with the estate kitchen. Lot size for the house with an estate kitchen shall be twice in size of the minimum lot size requirement.

Subpart. Section 6.4.D, Zoning Districts; Use Regulations; Supplementary Use Standards; is amended to add a new subsection as follows:

47. **Groom's quarters** means on-site living quarters for persons responsible for grooming and caring for horses boarded at the stable. Grooms quarters may be permitted as an accessory use, subject to compliance Sec. 5.5 (Special Use Permits) and the following standards.

a. A maximum of one (1) groom's quarters not to exceed five hundred (500) square feet in area shall be permitted for each four (4) stalls.

b. Groom's quarters may contain individual cooking facilities and/or one (1) common dining facility.

Subpart. Section 6.4.D, Zoning Districts; Use Regulations and Definitions; is amended to add language as follows:

47.1 **Groves/row crops** means the cultivation of fruits and vegetables for bona-fide agricultural purposes. Groves/row crops within the Urban Service Area shall comply with the following supplementary use standards.

a. **Setbacks.** Structures and accessory activities shall be setback a minimum of fifty (50) feet.

b. **Buffering.** A buffer adjacent to residentially zoned shall be provided along all property lines that are not screened by plant material. The buffer shall

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1 consist of one (1) tree per thirty (30) linear foot  
2 plus hedges twenty-four (24) inches in height and  
3 twenty-four (24) inches on center.  
4

5 **c. Equipment.** Use of heavy equipment, except  
6 irrigation pumps, shall be limited to daylight  
7 hours.  
8

9 **d. Loading.** All loading and unloading of trucks shall  
10 be restricted to the site and shall not encroach on  
11 any setbacks.  
12

13 **e. Office.** An office may be permitted as an accessory  
14 use provided it is not a mobile home.  
15

16 **f. Minimum lot size.** In the Urban Service Area, the  
17 minimum lot size shall be five (5) acres.  
18

19 **g. Compatibility.** The use shall assure that there is  
20 no incompatibility with surrounding land uses. In  
21 the event that an incompatibility exists, the  
22 petitioner shall satisfactorily mitigate the  
23 incompatibility prior to receiving conditional or  
24 DRC approval. The Board of County Commissioners and  
25 the Development Review Committee (DRC), may impose  
26 conditions to the approval including but not  
27 limited to: controlling objectionable odors;  
28 fencing; sound limitations; inspections; reporting  
29 or monitoring; preservation areas; mitigation;  
30 and/or limits of operation.  
31

32  
33 **h. Preservation.** The use shall conform with all  
34 preservation, and vegetation removal requirements  
35 of the Palm Beach County ULDC for the underlying  
36 permitted use, and shall conform with the  
37 provisions of Secs. 7.6 Vegetation Protection,  
38 Secs. 9.2 (Environmentally Sensitive Lands) and 9.4  
39 (Wetlands Protection) of this Code.  
40

41 A minimum setback (buffer) of one hundred (100)  
42 feet shall surround all designated wetland areas.  
43

44 **i. Spraying.** No aerial application of any pesticides,  
45 fungicides, fertilizers or any other chemical shall  
46 be allowed. In the event that overspraying of  
47 pesticides, fungicides, fertilizers, herbicides or  
48 any other chemical is experienced, the petitioner  
49 shall provide an increased buffer to insure that no  
50 further overspraying will occur, or will cease to  
51 operate.  
52

53 **j. Notification.** Notification of the existence of the  
54 agricultural operation shall be submitted to the  
55 South Florida Water Management District.  
56

57  
58 **Subpart.** Section 6.4.D, Zoning Districts; Use Regulations and  
59 Definitions; is amended to add language as follows:  
60

61 **47.2 Guest cottage.** A guest cottage shall be considered  
62 an accessory use to a single family home and shall  
63 comply with the following supplementary use  
64 standards.

---

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- 1 ~~a. Approval.~~ Applicant shall obtain a special permit  
2 from the Zoning Division.  
3  
4 ~~a.b. Occupancy.~~ Occupancy of accessory dwelling shall be  
5 limited to a non-paying guest for a period not to  
6 exceed eight (8) months per year.  
7  
8 ~~b.e. Number of units.~~ A maximum of one (1) guest cottage  
9 may be permitted as an accessory use to a principal  
10 single-family dwelling unit. The accessory dwelling  
11 may be attached to the principal dwelling unit or  
12 may be freestanding.  
13  
14 ~~c.d. Cooking facilities.~~ There shall be no cooking  
15 facilities contained within the guest cottage.  
16  
17 ~~d.e. Architecture.~~ The accessory dwelling shall be  
18 constructed of materials substantially equivalent  
19 to the principal dwelling unit, provided that such  
20 materials comply with all other applicable  
21 standards of the building code.  
22  
23 ~~e.f. Compatibility.~~ The accessory dwelling shall be  
24 compatible in character and subordinate in size to  
25 the principal dwelling unit.  
26  
27 ~~f.g. Setbacks.~~ The accessory dwelling shall comply with  
28 the minimum yard setbacks applicable to the  
29 principal single-family dwelling unit.  
30  
31 ~~g.h. No separate ownership.~~ The accessory dwelling shall  
32 remain accessory to and under the same ownership as  
33 the principal single-family dwelling unit, and  
34 shall not be subdivided or sold as a condominium.  
35  
36

37 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
38 Definitions; is amended to add language as follows:  
39

- 40 **56.1 Livestock raising** means the breeding, raising and  
41 caring for animals that are used for products.  
42 Livestock shall include horses. In the Urban  
43 Services Area, livestock raising shall comply with  
44 the following supplementary use standards.  
45  
46 **a. Minimum lot size.** The minimum lot size for  
47 livestock raising shall be five (5) acres.  
48  
49 **b. Setbacks.** All accessory uses such as troughs, feed  
50 mechanisms and storage shall be setback a minimum  
51 of one hundred (100) feet.  
52  
53 **c. Palm Beach County Animal Control Department.** The  
54 Palm Beach County Animal Control Department shall  
55 be notified as to the type of livestock and details  
56 of animal care to be provided.  
57  
58 **d. Processing and Slaughtering.** Processing and  
59 slaughtering shall be prohibited.  
60  
61 **e. Loading.** All loading and unloading of trucks shall  
62 be restricted to the site and shall not encroach on  
63 any setbacks.  
64

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- 1 f. Removal of waste. A plan outlining a method of  
2 waste removal shall be submitted to and approved by  
3 the County Health Department.  
4  
5 g. Compatibility. The use shall assure that there is  
6 no incompatibility with surrounding land uses. In  
7 the event that an incompatibility exists, the  
8 petitioner shall satisfactorily mitigate the  
9 incompatibility prior to receiving conditional or  
10 DRC approval. The Board of County Commissioners and  
11 the Development Review Committee (DRC), may impose  
12 conditions to the approval including but not  
13 limited to: controlling objectionable odors;  
14 fencing; sound limitations; inspections; reporting  
15 or monitoring; preservation areas; mitigation;  
16 and/or limits of operation.  
17  
18 h. Preservation. The use shall conform with all  
19 preservation, and vegetation removal requirements  
20 of the Palm Beach County ULDC for the underlying  
21 permitted use, and shall conform with the  
22 provisions of Secs. 7.6 Vegetation Protection,  
23 Secs. 9.2 (Environmentally Sensitive Lands) and 9.4  
24 (Wetlands Protection) of this Code.  
25  
26 A minimum setback (buffer) of one hundred (100)  
27 feet shall surround all designated wetland areas.  
28  
29 i. Spraying. No aerial application of any pesticides,  
30 fungicides, fertilizers or any other chemical shall  
31 be allowed. In the event that overspraying of  
32 pesticides, fungicides, fertilizers, herbicides or  
33 any other chemical is experienced, the petitioner  
34 shall provide an increased buffer to insure that no  
35 further overspraying will occur, or will cease to  
36 operate.  
37  
38 j. Notification. Notification of the existence of the  
39 agricultural operation shall be submitted to the  
40 South Florida Water Management District.  
41  
42

43 Subpart. Section 6.4.D, Zoning Districts; Use Regulations;  
44 Supplementary Use Standards; Medical office or dental  
45 clinic, is amended to add a new subsection as follows:  
46  
47

- 48 60. Medical/dental office or clinic means a facility  
49 licensed by the State of Florida which maintains  
50 and operates organized facilities for medical or  
51 surgical diagnosis, care, including overnight and  
52 outpatient care, excluding outpatient surgery and  
53 treatment of human illness. A hospital is  
54 distinguished from a medical center by the  
55 provision of surgical facilities. A medical office  
56 or dental clinic use shall comply with the  
57 following supplementary standard.  
58  
59 c. CN district. In the CN district, a medical office  
60 or dental clinic use shall not exceed one thousand  
61 five hundred (1,500) square feet of gross floor  
62 area per use, and shall not exceed eight thousand  
63 (8,000) square feet of gross floor area per lot,  
64 unless approved as a Class A Conditional Use.

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1 Subpart. Section 6.4.D, Zoning Districts; Use Regulations;  
2 Supplementary Use Standards, is amended to add a new  
3 subsection as follows:  
4

5 66.1 Greenhouse or a Nursery, retail means the  
6 cultivation for wholesale or retail sale of  
7 horticultural specialties such as flowers, shrubs,  
8 sod, and trees, intended for ornamental or  
9 landscaping purposes. A retail nursery in the Urban  
10 Services Area shall comply with the following  
11 supplementary use standards.  
12

13  
14 a. Location. The use shall be located on a street of  
15 collector or higher classification.  
16

17 b. Minimum lot size. The minimum lot size shall be one  
18 (1) acre.  
19

20 c. Setbacks. Setbacks shall be as follows:  
21

22 (1) Structures and accessory activities shall be  
23 setback a minimum of fifty (50) feet except for  
24 shadehouses which shall comply with the setbacks  
25 enumerated in 6.4.D.87.1.b. (Shadehouse).  
26

27 (2) Container plants shall be setback a minimum of  
28 fifteen (15) feet.  
29

30 d. Loading. All loading and unloading of trucks shall  
31 be restricted to the site and shall not encroach on  
32 any setbacks.  
33

34 e. Office. An office may be permitted as an accessory  
35 use provided it is not a mobile home.  
36

37 f. Compatibility. The use shall assure that there is  
38 no incompatibility with surrounding land uses. In  
39 the event that an incompatibility exists, the  
40 petitioner shall satisfactorily mitigate the  
41 incompatibility prior to receiving conditional or  
42 DRC approval. The Board of County Commissioners and  
43 the Development Review Committee (DRC), may impose  
44 conditions to the approval including but not  
45 limited to: controlling objectionable odors;  
46 fencing; sound limitations; inspections; reporting  
47 or monitoring; preservation areas; mitigation;  
48 and/or limits of operation.  
49

50 g. Preservation. The use shall conform with all  
51 preservation, and vegetation removal  
52 requirements of the Palm Beach County ULDC for  
53 the underlying permitted use, and shall  
54 conform with the provisions of Secs. 7.6  
55 (Vegetation Protection), Secs. 9.2  
56 (Environmentally Sensitive Lands) and 9.4  
57 (Wetlands Protection) of this Code.  
58

59 A minimum setback (buffer) of one hundred (100)  
60 feet shall surround all designated wetland areas.  
61

62 i. Spraying. No aerial application of any pesticides,  
63 fungicides, fertilizers or any other chemical shall  
64 be allowed. In the event that overspraying of

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pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further overspraying will occur, or will cease to operate.

- j. Notification. Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.

Subpart. Section 6.4.D.47, Zoning Districts; Use Regulations; Supplementary Use Standards; Greenhouse or Nursery, Wholesale is renumbered to 66.2 and language is deleted and added as follows:

~~47.66.2~~ Greenhouse or a Nursery, wholesale means the cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes. A wholesale greenhouse or nursery use shall comply with the following supplementary use standards.

.....

- i. Urban Service Area. In addition to the above standards, a wholesale nursery shall comply with the following standards.

(1) Minimum lot size. The minimum lot size shall be one (1) acre.

(2) Setbacks. Setbacks shall be as follows:

(a) Structures and accessory activities shall be setback a minimum of fifty (50) feet except for shadehouses which shall comply with the setbacks enumerated in 6.4.D.87.1.b. (Shadehouse).

(b) Container plants shall be setback a minimum of fifteen (15) feet.

(3) Buffering. A buffer shall be provided along all property lines that are not screened by plant material. The buffer shall consist of one (1) tree per thirty (30) linear foot plus hedges 24 inches on center.

(4) Equipment. Use of heavy equipment shall be limited to daylight hours.

(5) Loading. All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.

(6) Office. An office may be permitted as an accessory use provided it is not a mobile home.

(7) Compatibility. The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners and the Development Review Committee (DRC), may impose conditions to the approval including but not

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1 limited to: controlling objectionable odors;  
2 fencing; sound limitations; inspections; reporting  
3 or monitoring; preservation areas; mitigation;  
4 and/or limits of operation.  
5

- 6 (8) Preservation. The use shall conform with all  
7 preservation, and vegetation removal requirements  
8 of the Palm Beach County ULDC for the underlying  
9 permitted use, and shall conform with the  
10 provisions of Sec. 7.6 (Vegetation Protection),  
11 Secs. 9.2 (Environmentally Sensitive Lands) and 9.4  
12 (Wetlands Protection) of this Code.  
13

14 A minimum setback (buffer) of one hundred (100)  
15 feet shall surround all designated wetland areas.  
16

- 17 (9) Spraying. No aerial application of any pesticides,  
18 fungicides, fertilizers or any other chemical shall  
19 be allowed. In the event that overspraying of  
20 pesticides, fungicides, fertilizers, herbicides or  
21 any other chemical is experienced, the petitioner  
22 shall provide an increased buffer to insure that no  
23 further overspraying will occur, or will cease to  
24 operate.  
25

- 26 (10) Notification. Notification of the existence of the  
27 agricultural operation shall be submitted to the  
28 South Florida Water Management District.  
29

30  
31 Subpart. Section 6.4.D, Zoning Districts; Use Regulations and  
32 Definitions; is amended to add language as follows:  
33

34 68.1 Packing plant. means a facility, accessory to  
35 bona fide agriculture, used for the packing of  
36 produce not necessarily grown on site. A  
37 packing plant in the Urban Service Area shall  
38 comply with the following supplementary use  
39 standards.  
40

41 a. Location. A packing plant shall be located on a  
42 collector or higher classification street.  
43

44 b. Minimum lot size. The minimum lot size for a  
45 packing plant shall be ten (10) acres.  
46

47 c. Setbacks. The minimum setback shall be 100 feet  
48 from any property line.  
49

50 d. Noise. There shall be no outdoor loud speaker  
51 system.  
52

53 e. Loading and unloading. All loading and unloading  
54 must be confined to the property and shall not  
55 encroach upon the setbacks.  
56

57 f. Storage. Only equipment directly related to  
58 products packed at this plant shall be stored on  
59 the property and the equipment shall be screened  
60 from adjacent property.  
61

62 g. Compatibility. The use shall assure that there is  
63 no incompatibility with surrounding land uses. In  
64 the event that an incompatibility exists, the

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petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners and the Development Review Committee (DRC), may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.

**h. Preservation.** The use shall conform with all preservation, and vegetation removal requirements of the Palm Beach County ULDC for the underlying permitted use, and shall conform with the provisions of Sec. 7.6 (Vegetation Protection), Secs. 9.2 (Environmentally Sensitive Lands) and 9.4 (Wetlands Protection) of this Code.

A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.

**i. Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that overspraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further overspraying will occur, or will cease to operate.

**j. Notification.** Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.

Subpart. Section 6.4.D.83, Zoning Districts; Use Regulations and Definitions; Retail sales, mobile or temporary retail sales, is amended to number, delete and add titles and language as follows:

**83. Retail sales, mobile, or temporary or transient** means retail sales operations without a fixed or permanent location. Typical uses include sales of flowers or food products; temporary seasonal sales, such as Christmas trees or fireworks; and special event sales which require a tent or temporary structure. A mobile, temporary, or transient retail sales or service use shall comply with the following supplementary standards, ~~in addition to the supplemental regulations for vendors contained in Sec. 6.6.C.~~ These standards may be enforced by the Code Enforcement Citation System and shall be considered a Class IV violation for purposes of fine levied. If the vendor is found in violation of any provision of the terms of the permit or of this Code, the Zoning Director may withhold future special permits for a period of eighteen (18) months. A copy of the approved special permit shall be kept on site during the entire duration of the temporary use.

**a.b. Temporary Sales.** A temporary seasonal retail sales use, such as Christmas tree or fireworks, or special event sales, such as the sale of furniture,

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plants, or toy sales, that may or may not require a tent or temporary structure, excluding trailers, shall:

- (1) Approval. Applicant shall ~~e~~ Obtain a special permit from the Zoning Division.
- (2)-(1) Location...
- (3)-(2) Permission...
- (4)-(3) Setbacks...
- (5)-(4) Duration Not exceed fifteen ~~(15)~~ thirty (30) days in duration, provided that an additional ~~thirty (30)~~ fifteen (15) days duration may be approved, subject to the Zoning Director's discretion. Issuance of permits shall be limited to four (4) times a year per site.
- (6)-(5) Parking...
- (7)-(6) Safe distance triangle...
- (8)-(7) Tent...
- (9)-(8) Lighting...
- (10)-(9) Signage...
- (11)-(10) Debris...
- (12)-(11) Insurance...
- (13)-(12) SA district In the SA district temporary sales shall be limited to plants, pumpkins and Christmas trees, and shall exclude firework sales.

Subpart. Section 6.4.D.83.c, Zoning Districts; Use Regulations and Definitions; Retail sales, mobile or temporary retail sales; Mobile sales, is amended to relocate subsection c.(3)(a)(b)(c) to Sec. 5.5.E.8, Special permits; Procedure; Fees, and delete subsection c.(4) and renumber remaining subsections as follows:

c. Mobile sales. Mobile retail sales of food shall be conducted from a portable stand and shall:

- (1) District....
- (2) Permission...
- (3) Special permit.....
- (4) ~~Be fully enclosed by a 4 foot high opaque enclosure if the dress standards of Sec 6.6 are not adhered to. The structure must be placed in such a manner as to assure that vendors/or any associates not in compliance with the dress code cannot reasonably be expected to be observed by others choosing not to do business with the vendor. Any structures required by this Subsection shall comply with the applicable building setbacks of the CC Community~~

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Commercial, ~~CG-General Commercial Zoning District,~~  
or with the applicable building setbacks of the ~~IL-~~  
~~Light Industrial Zoning District;~~

(4)-(5) Location....

(5)-(6) Landscape...

(6)-(7) Residentially zoned property ...

(7)-(8) Distraction to motor vehicles...

(8)-(9) Insurance...

(9)-(10) Circulation...

(10)-(11) Safe distance triangle...

(11)-(12) Number...

(12)-(13) Mobility...

(13)-(14) Signage...

d. Transient sales. Transient sales vehicles that travel to several locations in one (1) day, such as lunch wagons, ~~door-to-door salesmen,~~ or ice cream trucks are:

(1) Permitted to travel to any business or residence; and

(2) Not permitted to park in any one location for more than two (2) hours.

e. Mobile medical or professional units. Mobile medical facilities or other self contained facilities, that travel to several locations, are at the location for a period greater than twenty-four (24) hours, and provide medical or other professional services shall be required:

(1) Receive a special permit that is renewed annually.

(2) Provide a site plan for all locations indicating where the unit shall be placed on the site; and,

(3) Specify length of time and frequency of visits to the various locations. The unit shall be on each site no longer than thirty (30) days from the date permit is issued. Units shall visit the site no more than six (6) times a year.

Subpart. Section 6.4.D, Zoning Districts; Use Regulations; Supplementary Use Standards; Security Quarters, is amended to add language as follows:

86. Security or caretaker quarters. means a residence, located on a site for occupancy by a caretaker or security guard. A security or caretaker quarter use shall comply with the following supplementary use standards.

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1 g. Use of mobile home. A mobile home may be used for a  
2 security or caretaker quarters use only in the AGR,  
3 AP, SA, RSER, AR, IL, IG and PO districts. Mobile  
4 homes as accessory use to an agricultural use in  
5 districts within the Urban Services Area shall be  
6 on a minimum of five (5) acres. Agricultural uses  
7 outside the Urban Services Area, Minimum shall  
8 meet the lot size and property development  
9 regulations of the district. ~~must be met.~~ See Sec.  
10 6.4.D.62.  
11

12 Subpart. Section 6.4.D, Zoning Districts; Use Regulations;  
13 Supplementary Use Standards; is amended to insert  
14 alphabetically and add language as follows:  
15

16 87.1 Shade House means an accessory agricultural  
17 structure consisting of a screened enclosure with a  
18 screened or rolled plastic roof used to protect  
19 plants from insects, heat and exposure to the sun.  
20 A shade house shall comply with the following  
21 supplementary use standards.  
22

23 a. Permits. A shade house less than twelve (12) feet  
24 in height shall not be required to obtain a  
25 building permit.  
26

27 b. Urban Services Area.  
28

29 (1) A shade house less than twelve (12) feet in height  
30 shall meet the minimum setbacks of the district.  
31

32 (2) A shade house greater than twelve (12) feet in  
33 height shall be setback a minimum of twenty-five  
34 (25) feet from the front and side corner and  
35 fifteen (15) feet from the side interior and rear.  
36

37 Subpart. Section 6.4.D.88, Zoning Districts; Use Regulations;  
38 Supplementary Use Standards; Single-family, is amended to  
39 relocate standards for estate kitchen to note 34.1, guest  
40 cottage to note 47.2 and excavation Type IA and Type IB  
41 to Sec. 7.6 and reference Excavation as follows:  
42

43 88. Single-family. A single-family dwelling shall  
44 comply with the following supplementary use  
45 standards.  
46

47 .....  
48

49 b. ~~Estate kitchen...~~  
50

51 c. ~~Guest cottage...~~  
52

53 b. Excavation for ponds. Standards for Type IA and  
54 Type IB Excavation for ponds are located in Sec.  
55 7.6 (Excavation).  
56

57 d. ~~Type I (A) excavation...~~  
58

59 f. ~~Type I (B) excavation...~~  
60

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1 Subpart. Section 6.4.D.90, Zoning Districts; Use Regulations;  
2 Supplementary Use Standards; Stable, commercial, is  
3 amended to relocate grooms quarters to note 47 and delete  
4 and add language as follows:  
5

6 90. Stable, commercial means a commercial establishment  
7 for boarding, breeding, training or raising of  
8 horses not necessarily owned by the owners or  
9 operators of the establishment, rental of horses  
10 for riding, or other equestrian activities,  
11 excluding uses classified as equestrian arena. A  
12 commercial stable use may be operated in  
13 conjunction with a residence and shall comply with  
14 the Animal Care and Control Regulations pursuant to  
15 Ord. 89-2, as amended, as well as the following  
16 supplementary use standards.  
17

18 a. Limitations of use. Commercial stables shall  
19 be limited to the raising, breeding, training,  
20 boarding, and grooming of horses, or rental  
21 (livery) of horses for riding.  
22

23 b. Minimum lot size. The minimum lot size shall  
24 be three (3) acres in the CRE district and  
25 five (5) ~~ten (10)~~ acres in all other  
26 permitted districts, except that stables which  
27 rent horses (livery) shall have a minimum of  
28 ten (10) acres.  
29

30 c. Frontage. The minimum required frontage on a  
31 public road to be used from the primary point  
32 of access shall be one hundred (100) feet or  
33 the minimum standard of the district in which  
34 the commercial stable is located, whichever is  
35 greater.  
36

37 d. Setbacks. No structure paddock or stable shall  
38 be located within twenty-five (25) feet of any  
39 property line, or the minimum setback standard  
40 of the district in which the commercial stable  
41 is located, whichever is greater.  
42

43 e. ~~Groom's quarters...~~  
44

45 Subpart. Section 6.4.D.34, Zoning Districts; Use Regulations;  
46 Supplementary Use Standards; Stable, private, is amended  
47 to delete standards for groom's quarters and delete and  
48 add language as follows:  
49

50 91. Stable, private. means the care of horses owned by  
51 the occupants or owners of the premises. A private  
52 stable shall comply with the Animal Care and  
53 Control Regulations pursuant to Ord. 89-2, as  
54 amended as well as the following supplementary use  
55 standards.  
56

57 a. Limitations of use. A private stable shall be  
58 limited to the boarding, breeding, training or  
59 raising of horses owned by the occupants or owners  
60 of the premises.  
61

62 b. Boarding. On sites of at least two (2) acres five  
63 ~~(5) acres, commercial~~ boarding for up to four (4)  
64 ~~three (3)~~ horses not owned by the owner or occupant

---

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1 of the premises shall be permitted. ~~Boarding of no~~  
2 ~~more than five (5) horses not owned by the owner or~~  
3 ~~occupant of the premises shall be allowed as a~~  
4 ~~special use, provided that the site is at least ten~~  
5 ~~(10) acres.~~

- 6  
7 c. Setbacks. No structure ~~paddeck~~ or stable shall be  
8 located within twenty-five (25) feet of any  
9 property line, or the minimum setback standard of  
10 the district in which the private stable is  
11 located, whichever is greater.

12  
13 ~~d. Groom's quarters....~~

14  
15 Subpart. Section 6.4.D.92, Zoning Districts; Use Regulations;  
16 Supplementary Use Standards; Stand for the sale of  
17 agricultural products, is amended to delete and add  
18 language as follows:  
19

20 92. Stand for the sale of agricultural products means  
21 a stand for the retail sale of fruit, vegetables,  
22 flowers, and house plants not necessarily grown on  
23 the site. A roadside stand used for the sale of  
24 agricultural products, not necessarily grown on  
25 site, shall comply with the following supplementary  
26 use standards:  
27

- 28 a. Approval. The use is permitted in the AGR, AP, AR,  
29 SA, RSER, CRS, CN, CC, CG districts subject to a  
30 special use permit approval and in residential  
31 districts with a DRC approval.  
32

- 33 b. Number. There shall be only one (1) stand on a  
34 parcel of land.  
35

- 36 c. Size. The stand shall not exceed three hundred  
37 (300) square feet of gross floor area.  
38

39 .....  
40

- 41 i. Separation. The stand shall not be any closer than  
42 six hundred (600) feet to any other stand.  
43

- 44 j. Setbacks. The stand shall be set back fifty (50)  
45 feet or more from the pavement or shall abut the  
46 base building line, whichever distance is greater.  
47

- 48 k. Intersection criteria. The stand shall not be  
49 located within one hundred (100) feet of the  
50 intersection of the right-of-way lines of any two  
51 dedicated roads.  
52

- 53 l. Permission. The vendor shall receive written  
54 permission from the property owner.  
55

- 56 m. Signage. Signs for vendors shall be limited to one  
57 sign, with a maximum sign face area of ten (10)  
58 square feet. The sign shall be no closer to any  
59 property line than the vendor stand. Banners,  
60 pennants, balloons or flags shall be prohibited.  
61

- 62 n. Insurance. Submit proof of liability insurance paid  
63 in full covering the period for which the permit is  
64 issued, in the minimum amount of two hundred

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thousand dollars (\$200,000) per occurrence.

Subpart. Section 6.4.D.92, Zoning Districts; Use Regulations; Supplementary Use Standards; is amended to add a subsection as follows:

**92.1 Storage, agricultural** means the storage of equipment or products accessory or incidental to a primary agricultural use. Agricultural storage shall comply with the following supplementary use standards.

**a. General.** Any storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.

**b. Outdoor storage.** Outdoor agricultural storage shall comply with the following supplementary use regulations:

**(1) AR district in Urban Service Area.** Outdoor storage shall meet the setbacks of the AR district.

**(2) Residential, Commercial and Industrial districts in the Urban Service Area.** Outdoor agricultural storage shall comply with the following:

**(a) Setbacks.** Outdoor agricultural storage shall meet the setbacks of the specific district.

**(b) Screening.** Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.

**c. Enclosed storage.** Enclosed agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Enclosed storage shall be contained within a permanent structure. Mobile homes and shipping containers shall not be permitted.

**(1) AR district in Urban Service Area.** An enclosed structure shall be setback one hundred (100) feet in the front and side corner and fifty (50) feet in the side interior and rear.

**(2) Residential, Commercial and Industrial districts in the Urban Service Area.** An enclosed structure shall meet the principal use setback of the specific district.

Subpart. Section 6.4.D.98, Zoning Districts; Use Regulations; Supplementary Use Standards; Veterinary clinic, is amended to add a subsection as follows:

**98. Veterinary clinic** means an establishment engaged in providing medical care and treatment for animals. A veterinary clinic use shall comply with the following supplementary use standards.

**c. AR and CRS in the Urban Service Area.** In the AR and CRS districts in the Urban Service Area, a veterinary clinic shall be only for large animals.

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**e.d. CN district.** In the CN district, a veterinary clinic shall not have outdoor facilities nor occupy more than one thousand five hundred (1,500) square feet of gross floor area.

**d.e. Outdoor runs.** Veterinary clinics with outdoor runs or boarding facilities shall comply with the following standards.

.....

**Subpart.** Section 6.4.D.103, Zoning Districts; Use Regulations; Supplementary Use Standards; Zero lot line home is amended to delete and add language as follows:

**TABLE 6.4 - 8  
ZERO LOT LINE DEVELOPMENT  
PROPERTY DEVELOPMENT REGULATIONS**

	INTERIOR LOT	CORNER LOT	CORNER LOT
		ZERO LOT LINE HOME	SIDE STREET HOME
Minimum Lot Size	4,500 s.f.	4,500 s.f.	4,500 s.f.
Minimum Lot Width And Frontage	45 feet	60 feet	55 feet
Minimum Lot Depth	75 feet	75 feet	75 feet
Minimum Front Setback	Front loading garage 25 feet —garage 10 feet —home  Side loading garage 10 feet —garage 10 feet —home  Living quarters - 10 feet	Front loading garage 25 feet  Side loading garage 10 feet  Living Quarters - 10 feet	Front loading garage 25 feet - garage 10 feet —home  Side loading garage 10 feet - garage 10 feet —home  Living quarters - 10 feet
Minimum Side Interior Setback	10 feet— opposite zero lot line - 10 feet  0 or 4 feet— zero lot line - 0 or 4 feet	opposite lot line - 10 feet zero lot line - 0 or 4 feet	10 feet— opposite street lot line - 10 feet  zero lot line - 0 or 4 feet
Minimum Side Street Setback	15 feet	15 feet	15 feet
Minimum Rear Setback	10 feet	10 feet	10 feet
Maximum Building Height	35 feet	35 feet	35 feet
Maximum Lot Coverage	50% - building	50% - building	50% - building
Minimum Parking	2 spaces per unit	2 spaces per unit	2 spaces per unit

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Subpart.

Section 6.5.A, Table 6.5-1; Property Development Regulations is amended to delete and add language as follows:

- A. Property development regulations schedule. The minimum lot dimensions, minimum and maximum density, maximum floor area ratio (FAR), maximum building coverage, and minimum building setbacks for uses in each district shall be determined from Table 6.5-1, as may be modified by succeeding provisions of this section. Maximum building height shall be as specified in Sec. 6.5.I, Building height. Property development regulations for Overlay districts shall be as specified in Sec. 6.7, Overlay District Regulations. Property development regulations for Planned Development Districts shall be as specified in Sec. 6.8, Planned Development District Regulations. There are no property development regulations for the PO district. A project may be eligible to develop at the maximum density specified in this schedule provided all other property development regulations of this code are met.

TABLE 6.5-1  
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE

Zoning District	Min. Lot Dimensions			Density		Max FAR	Max. Bldg. Cover	Min. Bldg Setbacks (ft.)			
	Size	Width	Depth	Min.	Max.			Front <sup>1</sup>	Side	Street	Rear
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AGR	10 ac.	300	300	-	-	.10	10%	100	50	80	100
AP	10 ac.	300	300	-	-	.10	10%	100	50	80	100
SA	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RSER	10 ac.	300	800	-	-	.35	20%	25	50	25	50
AR	10 ac.	300	300	-	-	.15	10%	100	50	80	100
CRS	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RE	2.5 ac.	180	200	0.0	0.4	<del>.25</del>	20%	50	40	50	50
RT	<del>29,000</del> 20,000	100	125	1.0	1.5	<del>.30</del>	25%	25	15	25	25
RTS	<del>21,500</del> 14,000	100	125	1.0	2.0	<del>.30</del>	25%	25	15	25	25
RTU	<del>40,000</del> 8,000	85	90	3.0	4.0	<del>.35</del>	35%	25	10.5	10.5	20
RS	6,000	65	75	5.0	6.0	<del>.40</del>	40%	25	7.5	15	15
RM	1*	65	75	5.0	6.0	<del>.40</del>	35%	25	15	25	12
RH	1*	65	75	5.0	6.0	<del>.50</del>	35%	25	15	25	12
CN	1 ac.	100	100	-	-	.35	25%	30	30	30	30
CLO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CC	1 ac.	100	200	-	-	.35	25%	30	30	30	30
CHO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CG	1 ac.	100	200	-	-	.35	25%	50	15	25	20
CRE	3 ac.	200	300	-	-	.50	25%	80	50	80	50
IL	1 ac.	100	200	-	-	.45	<del>30%</del> 45%	40	15	25	20
IG	2 ac.	200	200	-	-	.45	<del>30%</del> 45%	45	20	45	20

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1 Subpart. Section 6.5.I, Property Development Regulations;  
2 Exceptions to Property Development Regulations, is  
3 amended to delete and add language as follows:  
4

- 5 I. Exceptions to property development regulations.  
6 The following structures or objects of natural  
7 growth shall be permitted within required yard  
8 setbacks, provided that the standards of Sec. 7.3  
9 (Safe distance triangles) are met.  
10

11 .....  
12

- 13 b. Permanent or retractable A awnings or canopies  
14 projecting from a building wall over a  
15 required yard setback not more than two and  
16 one-half (2½) feet, and having no supports  
17 other than provided by the wall or its  
18 integral parts.  
19 .....  
20

- 21 1. Open terraces, including walkways, ground  
22 level wooden decks and natural plant  
23 landscaping.  
24

25 Subpart. Section 6.5.L, Property Development Regulations; Flexible  
26 Property Development Regulations for Density Bonus  
27 Program Development, is amended to renumber as follows:  
28

29 M- 2. Applicability...  
30

31 N- 3. Exceptions....  
32

33 O- 4. Regulating Plan...  
34

35  
36 1- a. Flexible regulations....  
37

38 a- (1) Justification report...  
39

40 (1) (a) The regulations which are proposed  
41 to be modified;  
42

43 (2) (b) The amount of the requested modification;  
44

45 (3) (c) The areas within the development which  
46 these modifications shall occur; and,  
47

48 (4) (d) Graphic representations (site plans,  
49 sections, elevations, perspectives, etc.)  
50 showing how the modifications will meet  
51 the intent of the district and the  
52 density bonus program in respect to open  
53 space, privacy, maintenance, and public  
54 health, safety and welfare.  
55

56 b- (2) Review. ...  
57

58 c- (3) Limited use of flexible regulations....  
59

60 P- M. Property Development Regulations.  
61

62 Q- N. Minimum recreation requirements...  
63

64 R- O. Parking requirements....

---

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- 1 ~~S.~~ P. Accessory uses and residential structures....  
2 ~~T.~~ Q. Minimum dwelling unit size....  
3 ~~U.~~ R. Minimum landscape and buffer requirements...  
4

5 1. Minimum tree planting requirement. A minimum of one tree  
6 shall be planted for each 2000 square feet of gross lot  
7 area. The planting of trees is encouraged to be dispersed  
8 throughout the lot and planted on the south and west  
9 sides of habitable structures, to promote energy  
10 efficiency. To promote energy and water resource  
11 efficiency the following landscape techniques are  
12 encouraged:  
13

14 (1)(a) Planting of shrubs around the foundation of the  
15 structure.  
16

17 (2)(b) Planting of shrubs, and ground covers in accordance  
18 with good xeriscape principles.  
19

20 ~~b.~~ 2. Minimum buffer requirement.  
21

22 (1)(a) Compatibility buffer. ...  
23

24 SUBPART. Section 6.6.A.8; Supplemental Regulations; Accessory Uses  
25 and Structures; Accessory Outdoor Recreation, is amended  
26 to delete and add language as follows:  
27

28 8. Accessory outdoor recreation. Accessory outdoor  
29 recreational facilities are primarily designed and  
30 intended for use by occupants and their guests of a  
31 residential development or nonresidential  
32 development and their guests. Accessory outdoor  
33 recreational facilities shall be subject to the  
34 following supplementary regulations.  
35

36 d. Setbacks. No Active outdoor accessory  
37 recreational facilities shall be located a  
38 minimum of within one hundred fifty (10050)  
39 feet of from any property line abutting a  
40 residential district. Passive outdoor  
41 accessory recreational facilities shall be  
42 located a minimum of 25 feet from any property  
43 line abutting a residential district.  
44

45 e. Screening. If deemed necessary to ensure  
46 compatibility with surrounding uses the  
47 Development Review Committee may require A  
48 buffer consisting of a 6 foot fence or masonry  
49 wall and landscape screen of at least seventy-  
50 five (75) percent opacity shall be required  
51 around an active or passive outdoor accessory  
52 recreational facility. if deemed necessary to  
53 ensure compatibility with surrounding uses.  
54  
55

---

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**SUBPART.** Section 6.6.A.9; Supplemental Regulations; Accessory Uses and Structures; Swimming Pools and Screen Enclosures, is repealed in entirety in order to separate regulations for swimming pools and spas from screen enclosures, delete ability to construct private structures in common areas, delete and add language, reorder and renumber.

**9. Swimming pools and spas.**

**a. Principal and accessory use.**

**(3) Principal use.** Any swimming pool or spa or screen enclosure owned and operated as a commercial enterprise existing singularly or in combination with other commercial recreation uses on the same property shall be considered as a principal use subject to the property development regulations of the applicable district.

**(4) Accessory use.** Any swimming pool or spa or screen enclosure operated by a non profit assembly, social, civic organization, residential homeowners association, or resident of a single-family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use. regulations stated herein. The accessory use shall be located on the same lot of the principal use except if operated by a residential homeowners association. If operated by a residential homeowners association then the accessory use shall be located within the development boundary, as applicable.

**b. Setbacks for accessory pools or spas.**

**(1) Setbacks for Swimming Pools.** Setbacks shall be measured to the outside of the pool beam:

Setbacks	Front	Side interior	Side corner	Rear
Single family	28 feet	10.5 feet	18 feet	10.5 feet
Zero lot line	13 feet	0 lot line -3 feet Opposite lot line -5 feet	13 feet	5 feet
Townhouse Rowhouse and Quad	13 feet	3 feet	From property line - 5 feet From r.o.w.- 18 feet	5 feet
Other Multi-family Home Owners Assoc., Non-profit assembly, Social, Civic	50 feet	50 feet	50 feet	50 feet

**(2) Setbacks for Spas.** Spas shall meet the following setbacks:

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1 (a) Front and Side Corner - 25 feet

2  
3 (b) Side Interior and Rear - 5 feet

4  
5  
6 (3) Setback Reductions.

7  
8 (a) General. Swimming pools or spas may be constructed with  
9 a three (3) foot rear or side interior setback for single  
10 family or zero lot line dwelling units provided the  
11 entire rear or side interior property line is adjacent to  
12 open space (lake, natural preserve or golf course) a  
13 minimum of fifty (50) feet in depth and all construction  
14 and earthwork is completed within the owner's lot.

15  
16 (b) Planned Developments. Setbacks for swimming pools or spas  
17 may be reduced in accordance with the flexible  
18 regulations in Section 6.8.A.8.(f).1 and administrative  
19 deviations in Section 6.8.A.15.c.

20  
21 (c) Building coverage. Swimming pools or spas located at  
22 finished grade shall not be included in the building  
23 coverage calculation unless contained in a building or  
24 within a screen enclosure with a solid roof.

25  
26 (d) Fencing, screening and access. Every swimming pool or spa  
27 shall be enclosed by a barrier, retaining wall, fence or  
28 other structure in accordance with Palm Beach County  
29 Swimming Pool and Spa Code, as amended.

30  
31 (e) Easement encroachment. Pools or spas shall not encroach  
32 any utility, drainage or lake maintenance easement.

33  
34  
35 (f) Swimming Pools and Spas in Common Areas. The construction  
36 of private swimming pools and spas for individual  
37 households within a common area is prohibited, unless the  
38 swimming pools and spas were legally constructed within  
39 a specified development pod prior to April 21, 1995. If  
40 any of the existing dwelling units have exiting swimming  
41 pools or spas in the common area of a development pod,  
42 the remaining dwelling units within the same development  
43 pod may construct a swimming pool or spa as shown on the  
44 final subdivision plan or final site plan.

45  
46 If the final subdivision plan or final site plan does not  
47 graphically depict the placement of swimming pools or  
48 spas in common area, application shall be made to  
49 Development Review Committee to amend the final  
50 subdivision plan or final site plan to depict the  
51 placement of the swimming pool or spa if:

52  
53 (1) The applicant demonstrates that existing swimming pools  
54 and spas were legally permitted and constructed in common  
55 areas;

56  
57 (2) The landowner or homeowner's association must be a joint  
58 applicant on the building permit application;

59  
60 (3) The structure must comply with all setback requirements  
61 measured from the outer boundary of the common area or  
62 have a fifteen (15) foot separation between primary  
63 structures, whichever is greater.

64  

---

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- 1 (4) No private structures are proposed to be erected in a  
2 required perimeter landscape area;  
3  
4 (5) The entire development must continue to meet open space  
5 requirements;  
6  
7 (6) The homeowners' documents shall be amended to include  
8 provisions that allow private use of the common area upon  
9 association approval; and  
10  
11 (7) Structures will not be permitted in a common area that is  
12 designed as a water management tract.  
13  
14

15 **10. Screen Enclosures**

- 16  
17 a. **General.** Screen enclosures may be roofed with a screened  
18 roof or solid roof. Property development regulations vary  
19 based on the type of roof covering.  
20

---

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b. Screen Enclosures with Screened Roofs. Screen enclosures with screened roofs shall be subject to the following property development regulations:

(1) Setbacks for screen enclosures with screen roofs. Setbacks shall be measured as specified in the chart below.

Setbacks	Front	Side Interior	Side corner	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
Zero lot line				
Zero lot line side	25 feet	0 feet	10 feet	2 feet
Opposite lot line	25 feet	2 feet	10 feet	2 feet
Townhouse, Row house				
Measured from lot boundary	25 feet	0 feet	From lot line - 5 feet From r.o.w. line - 15 feet	0 feet
Measured from inside edge of buffer of PUD or Tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Townhouse, Quad				
Measured from lot boundary	0'	0'	From lot line - 0 feet From r.o.w. line - 15 feet	0 feet
Measured from inside edge of buffer of PUD or Tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Other Multi-family, Home Owners Association, Non-profit Social, Civic	50 feet	25 feet	25 feet	25 feet

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1 (a) Measurement of Setbacks. Setbacks shall be measured from  
2 the property line of the dwelling to the closest edge of  
3 the screen enclosure.

4  
5 (b) Rear and side interior setback reductions. Screen roof  
6 enclosures may be constructed with a zero (0) foot rear  
7 setback for single family or zero lot line dwelling units  
8 provided the following conditions are met:  
9

10 1. The entire rear property line is adjacent to open space  
11 (lake, natural preserve or golf course) a minimum of 50  
12 feet in depth;

13  
14 2. All construction and earthwork is completed within the  
15 owner's lot;

16  
17 3. All maintenance can be conducted from within the owner's  
18 lot; and

19  
20 4. Roof eaves or structures shall not overhang the property  
21 line or encroach any utility, drainage or lake  
22 maintenance easement.

23  
24 (c) Setback reductions in Planned Developments. Setbacks for  
25 screen enclosures may be reduced in accordance with the  
26 flexible regulations in Section 6.8.A.8.(f).1 and  
27 administrative deviations in Section 6.8.A.15.c.

28  
29 (d) Special Provisions for Zero Lot Line Developments. A  
30 minimum five (5) foot high opaque fence or wall shall be  
31 provided on the zero side of zero lot line extending from  
32 the rear of the structure to the rear edge of the screen  
33 enclosure. Such wall shall be masonry or wood. The screen  
34 enclosure shall may be attached to the fence or wall.

35  
36 (e) Special Setback Provisions for Townhouses. No setbacks  
37 are required from individual property lines of units, if  
38 applicable. Setbacks are required to be measured from  
39 perimeter property lines of the development pod in  
40 compliance with Section 6.4.D.95.d. of the ULDC.

41  
42 In cases where the townhouse and accessory screen  
43 enclosure covers 100 percent of the lot , the screen  
44 enclosure shall maintain a minimum separation between  
45 other screen enclosures or the principal structure of  
46 townhouse groups, as specified in the table above.

47  
48 Separations between two townhouse groups shall be  
49 measured by drawing a center line between the two  
50 adjacent groups and measuring a minimum distance of 7.5  
51 feet from the centerline between the proposed enclosures  
52 to ensure an equidistant separation of a minimum of 15  
53 feet.

54  
55 (2) Building coverage. Screen enclosures with screen roofs  
56 shall not be included in the building coverage  
57 calculation.

58  
59 (3) Maximum Allowable Size. Screen enclosures shall be  
60 permitted to cover a maximum of 30 percent of the total  
61 lot area except for townhouses. Screen enclosures for  
62 townhouses may cover 100% of the total lot area provided  
63 minimum separations between groups are met.  
64

---

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1 (4) Height. The height of the screen enclosure shall not  
2 exceed the highest point of the peak of the roof.

3  
4 (5) Easement encroachment. Roof eaves or structures shall not  
5 overhang the rear property line or encroach any utility,  
6 drainage or lake maintenance easement.

7  
8 (6) Screen enclosures within common areas of residential  
9 developments. The construction of private screen  
10 enclosures, for use by individual households, is  
11 prohibited in common areas, unless screen enclosures were  
12 legally constructed within the same development pod prior  
13 to April 21, 1995. If any of the existing dwelling units  
14 within the development pod have existing screen  
15 enclosures in the common area, the remaining dwelling  
16 units within the development pod may construct screen  
17 enclosures as shown on the final subdivision plan or  
18 final site plan.

19  
20 If the final subdivision plan or final site plan does not  
21 graphically depict the placement of screen enclosures in  
22 the common area, application shall be made to Development  
23 Review Committee to amend the final subdivision plan or  
24 final site plan to depict the placement of the screen  
25 enclosures, if compliance with criteria set forth in  
26 6.6.A.9.e. (1)-(7) can be demonstrated.

27  
28 c. Screen enclosures with solid roofs.

29  
30 (1) Setbacks. Screen enclosures shall meet the minimum  
31 setbacks of the principal use of the lot. Setbacks may be  
32 reduced in accordance with the flexible regulations in  
33 Section 6.8.A.8.(f).1 and administrative deviations in  
34 Section 6.8.A.15.c.

35  
36 (2) Building coverage. Screen enclosures with solid roofs  
37 shall be included in the building coverage calculation.

38  
39 (3) Special provisions for townhouse developments. If the  
40 roof of the enclosure is solid, there shall be a minimum  
41 eight (8) foot high wall on the shared lot line,  
42 extending from the dwelling to the rear edge of the  
43 portion of the enclosure that is roofed. The wall shall  
44 be fire-rated in accordance with standard building codes.  
45 The screen enclosure may be attached to the masonry wall.

46  
47 (4) Height. The height of the screen enclosure with a solid  
48 roof shall not exceed the highest point of the peak of  
49 the roof.

50  
51 (5) Easement encroachment. Roof eaves or structures shall not  
52 overhang the rear property line or encroach any utility,  
53 drainage or lake maintenance easement.

54  
55 (6) Screen enclosures with solid roofs within common areas of  
56 residential developments. The construction of private  
57 screen enclosures, for use by individual households, is  
58 prohibited in common areas, unless screen enclosures were  
59 legally constructed within the same development pod prior  
60 to April 21, 1995. If any of the existing dwelling units  
61 within the same development pod have exiting screen  
62 enclosures in the common area, the remaining dwelling  
63 units within the development pod may construct screen  
64 enclosures as shown on the final subdivision plan or

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1 final site plan.

2  
3 If the final subdivision plan or final site plan does not  
4 graphically depict the placement of screen enclosures in  
5 the common area, application shall be made to Development  
6 Review Committee to amend the final subdivision plan or  
7 final site plan to depict the placement of the screen  
8 enclosures, if compliance with criteria set forth in  
9 6.6.A.9.e. (1)-(7) can be demonstrated.

10  
11 ~~10.11. Accessory radio tower.~~

12  
13 ~~11.12. Amateur radio, television antennas and satellite~~  
14 ~~dish antennas~~

15  
16 ~~12.13. Seaplanes.~~

17  
18 ~~13.14. Accessory Commercial Development.~~

19  
20 Subpart. Section 6.6.C, Zoning Districts; Supplementary  
21 Regulations; Dress and Conduct Code for Vendors Operating  
22 Both on Private and on Public Rights-of-Way, is deleted  
23 in its entirety.

24  
25 ~~G. Dress and Conduct Code for Vendors Operating Both~~  
26 ~~on Private Property and on Public Rights-of-Way.~~  
27 All vendors not fully enclosed by a four (4) foot  
28 high opaque enclosure must be sufficiently so that  
29 the vendor and anyone associated with the vendor,  
30 has covered, with a fully opaque covering, the male  
31 or female genitals, pubic area, buttocks or any  
32 portion of the female breast below the top of the  
33 nipple. [See, Section 847.001(5) Florida Statutes].

34  
35 ~~2. Attire.~~ Attire not in conformance with the above  
36 requirement includes, but is not limited to, G-  
37 strings, thongs, pasties, and socks (for covering  
38 male genitalia). Minimal attire allowed, without an  
39 enclosure, shall be that which substantially covers  
40 the buttocks, such as a french-cut bikini as  
41 referenced in *Naturist Society v. Fillyaw*, 736 F.  
42 Supp. 1103 (S.D. Fla. 1990).

43  
44 ~~3. Conduct.~~ Vendors who conduct themselves in a  
45 disorderly, offensive, obnoxious, obscene, or  
46 profane manner, or vendors who violate this dress  
47 code  
48 standard are considered to be public nuisances and  
49 shall be subject to revocation of special permits  
50 to vend on private property and/or their permits  
51 entitling them to commercial use of public rights-  
52 of-way.

53  
54 ~~4. Fines.~~ Violation of any provision contained in this  
55 subsection shall be punishable as a misdemeanor by  
56 a fine not to exceed five hundred dollars  
57 (\$500.00), or by imprisonment for not more than  
58 sixty (60) days, or by both such fine and  
59 imprisonment. Any and every violation of the  
60 provision of this subsection and each and every day  
61 that such violation continues shall be considered a  
62 separate and distinct misdemeanor.

63  
64 ~~5. Enforcement.~~ The Palm Beach County Sheriff's

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Department and other law enforcement agencies including county compliance officers or agents are authorized and directed to enforce this subsection.

- ~~6. **Applicability.** The provisions of this subsection pertaining to vendors located on private property shall be applicable in the unincorporated areas of Palm Beach County. The provisions of this subsection pertaining to vendors located on public rights-of-way within the County road system shall be applicable in the unincorporated and incorporated areas of Palm Beach County.~~

Subpart. Section 6.7, Overlay District Regulations, is amended to add a subsection as follows:

**H. TAP-O, Turnpike Aquifer Protection Overlay District**

1. **Purpose and intent.** Creation of the TAP-O District is needed to: (1) protect and safeguard the public health, safety and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimize any potential adverse impacts on the surficial aquifer system, known locally as the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and (3) prevent the continuing loss of prime public water supply sites by requiring certain developments and uses to identify or identify and dedicate public water supply sites.

2. **Applicability.**

- a. The provisions of the TAP-O district shall apply to all new development, new uses or expansions of existing uses within its boundaries.

- b. All new development, new uses or expansion of existing uses located within the TAP-O district shall be designed and constructed to protect and preserve the identified groundwater resources of the area. For the purposes of this section, all improvements shall be designed and constructed in accordance with the public supply water well site location criteria contained within this section.

3. **Exemption.** All development and uses which exist on the effective date of this section shall be exempt from the requirements of this section.

4. **Boundaries.** The TAP-O district boundaries shall generally be described as the area north of West Atlantic Avenue (S.R.806), south of Northwest 22nd Avenue in Boynton Beach, east of the Florida Turnpike, and west of Military Trail. The specific boundaries are depicted on maps incorporated herein and made a part of this Code. These maps shall be on file and maintained by the PBCWUD. (Exhibit A).

5. **Conflict with other applicable regulations.** The requirements of this section, unless superseded by Section 9.3 (Wellfield Protection) of this code, or applicable state or federal law, shall apply to all new development, new uses or expansion of existing

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uses within the TAP-O district.

6. General provisions.

- a. All new development, new uses or expansion of existing uses within the TAP-O district which occur following the effective date of this section shall comply, at a minimum, with the Zone 3 requirements of Section 9.3 of this code for the storage, handling, use, or production of regulated substances.
- b. All new development, new uses or expansion of existing uses within the TAP-O district shall comply with the public supply water well location criteria as provided herein.
- c. All requests for development approval for new uses or expansion of existing uses within the TAP-O district submitted after the effective date of this section shall comply with the provisions of this section.

7. Mandatory identification and dedication of public supply water well sites. Development approvals for new development, new uses or expansion of existing uses within the TAP-O district submitted after the effective date of this section shall identify public supply water well sites. Dedication of public supply water well sites shall be required when there is rough proportionality between the required dedication and the needs of the community because of the development. The amount of well sites to be identified or identified and dedicated shall be based upon the total size of the proposed project as provided below:

- a. Developments consisting of at least 25 acres, but less than 100 acres, shall be required to identify or identify and dedicate one public supply water well site;
- b. Developments consisting of at least 100 acres, but less than 200 acres, shall be required to identify or identify and dedicate two public supply water well sites; and,
- c. Developments consisting of more than 200 acres shall be required to identify or identify and dedicate one public supply water well site for each 100 acres or part thereof.

8. Public supply water well site compatibility and location criteria.

- a. Public supply water well sites shall be located to be compatible with the groundwater resources of the area. To ensure compatibility, public supply water well sites shall be designed to achieve the following:

- (1) maximize natural groundwater recharge;
- (2) minimize potential drawdown impacts to surrounding

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natural resources, environmental resources, and artificial surface water management systems; and

- (3) minimize adverse impacts to surrounding nonresidential land uses as outlined in Sec.9.3 (Wellfield Protection) of this Code.

b. The following criteria shall be used in locating public supply water well sites in all new development, new uses or expanded uses located within the TAP-O district:

- (1) public supply water well sites shall be located along the perimeter of the affected property in a manner acceptable to the PBCWUD;

- (2) public supply water well sites shall be located, in a manner acceptable to the PBCWUD, to facilitate connection to any existing or proposed raw water line located along the right-of-way of Jog Road or Hagen Ranch Road;

- (3) public supply water well sites, to the extent possible and in a manner acceptable to the PBCWUD, shall be evenly spaced, with a minimum separation distance of 500 feet between such sites;

- (4) public supply water well sites shall be located in accordance with setbacks required by the Florida Department of Environmental Protection and by Palm Beach County Environmental Control Rule II;

- (5) public supply water well sites shall be located within new or expanded land uses in a manner acceptable to the PBCWUD to minimize drawdown impacts to natural water bodies, surface water management systems with planted littoral shelves, and wetlands;

- (6) public supply water well sites to be dedicated, unless other dimensions are approved by the PBCWUD, shall be a minimum size of 60 feet by 40 feet; and

- (7) public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, open space or easements.

9. Dedication of well site within required open space. For the purposes of this code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required open space.

10. Access easement to dedicated public supply water well site.

- a. A permanent access easement from each dedicated public supply water well site to the closest public right-of-way shall be provided in a manner acceptable to the PBCWUD for such purposes as maintenance of equipment and installation of water pipes.

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1 b. If a public right of way does not exist adjacent to  
2 a public supply water well site, a permanent access  
3 easement shall be provided in a manner acceptable  
4 to the PBCWUD.  
5

6 11. Temporary construction access easement. A  
7 temporary construction access easement shall be  
8 provided from each dedicated public supply water  
9 well site to the closest public right-of-way or  
10 other right-of-way acceptable to the PBCWUD.  
11

12 12. Hold harmless agreements. Each dedication of a  
13 public supply water well site shall include a hold  
14 harmless agreement to relieve the County from  
15 liability for impacts to on-site irrigation wells,  
16 aesthetic lakes, and surface water management  
17 systems. The agreement shall be in a form  
18 acceptable to the County Attorney's Office.  
19

20 13. Dedication of public water supply sites.  
21

22 (a) Upon approval of each future well site or sites by  
23 the PBCWUD, a conditional letter of acceptance will  
24 be issued. Prior to application for building  
25 permits, each public supply water well site shall  
26 be identified or identified and dedicated as  
27 provided below:  
28

29 (1) If new development, a new use or an expanded use  
30 does not require recording of a plat then each  
31 public supply water well site to be dedicated shall  
32 be conveyed within ninety days following final site  
33 plan certification by the Development Review  
34 Committee. The conveyance shall be in a form  
35 approved by the County Attorney's Office.  
36

37 (2) If new development, a new use or expanded use  
38 requires recording a plat, the location and  
39 recordation information of each public supply water  
40 well site shall be shown on such plat.  
41

42  
43 (3) If new development, a new use or expanded use does  
44 not require a recorded plat or final Development  
45 Review Committee site plan or subdivision  
46 certification, then each public supply water well  
47 site to be dedicated shall be conveyed prior to  
48 issuance of the first required development permit,  
49 including a vegetation removal permit other than a  
50 prohibited species removal permit, excavation  
51 permit, or building permit. However, the PBCWUD  
52 may stipulate an alternate time when the public  
53 supply water well site dedication shall occur. The  
54 conveyance shall be in a form approved by the  
55 County Attorney's office.  
56

57 (b) The location of each well site to be dedicated  
58 shall be approved by the Palm Beach County  
59 Utilities Department.  
60

61 14. Developer's agreements. The PBCWUD may require, as  
62 part of a developer's agreement to provide water or  
63 sewer service to a new or expanded land use,  
64 dedication of public supply water well sites

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consistent with the provisions of this section.

SUBPART. Section 6.8.A.15.B.(4), Planned Development District Regulations; Action By The Development Review Committee; Modifications to a Preliminary Development Plan, Master Plan or Site Plan; Vehicular Access Points, is amended to delete and add language as follows:

(4) Vehicular access points. Access points shall be established on the Preliminary Development Plan, Master Plan or Site Plan as approved by the Board of County Commissioners. No additional vehicular ingress or egress points shall be added onto any roads external to a Planned Development, ~~onto roads external to a pod or,~~ onto roads internal to the PUD that are indicated on the County Thoroughfare Plan or onto roads within the PUD that are external to a pod, except for a residential land use. Access onto roads external to a pod, but internal to the PUD may be added to a residential pod in accordance with standards in Section 8.22. and County Standards. ~~in addition to those established on the Preliminary Development Plan, Master Plan or Site Plan as approved by the Board of County Commissioners.~~

SUBPART. Section 6.8.B.4.a.(6).(C); PUD Residential Planned Development District; Application; Design Criteria; Range of Housing, is amended to add and delete language as follows:

(c) Range of housing. PUD's in excess of 75 acres and 300 dwelling units shall provide a minimum of two housing types to offer a range of housing opportunities within the development ~~so that to~~ people of different social and economic backgrounds. ~~can live within the same planned development district. A minimum of two (2) housing types shall be provided, including~~ The housing types shall include but not be limited to: single family; zero lot line; townhouse; multiple family; or congregate living facility.

Subpart. Section 6.8.H.7.d.(2)(a), Zoning Districts, Planned Development District Regulations; RVPD, Recreational Vehicle Park Planned Development District; Property development regulations; Design criteria; Accessory uses and structures; Permanent structures, is amended to add language as follows:

(iii) Camping Cabin. A camping cabin may be permitted in existing or future recreational vehicle spaces provided it complies with all regulations contained in Sec.6.4.D. and Sec.6.8.H. of the Code.

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March 10, 1995



1 Subpart. Section 6.8, Table 6.8-1, Zoning Districts; Planned  
 2 Development District Regulations is amended to  
 3 alphabetically insert a new use as follows:  
 4

Use Type	Planned Development Zoning District																			
	PUD				TND				MXPD				MUPD				PIPD			
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone			
	R E C	R E S	C I V / P	C O M	R E S	C I V / P	S H O P	W O R K	S E C T	C L O	C L H	C H O	R C L	C L O	C H O	C H O	C R	I N D	I N D / L	C O M / **
Recycling bin	S		S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Recycling plant									R								G	G	G	G
Sanitary landfill																				
Solid waste transfer station													R			R	R	R	R	G
Utility, minor		G	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
Water or wastewater plant			R						R		R	R	R		R	R	R	R	G	G
Recreational uses																				
Amusements, temporary or Special event	S		S	S			S	S	S		S	S	S	S	S	S	S	S	S	S
Arena, auditorium or stadium				R					R						R	R		R		
Campground																G				
Camping, cabin																			G	
Entertainment, indoor				R			R		R		R	R		R	R	G		G		
Entertainment, outdoor				R				R		R	R	R		R	R	G		G		
Fitness center	G		R	R			R		G		R	G	G		R	G	G	G		G
Golf course	R									R	R	R	R	R	R	R	R	G	G	
Gun club, enclosed								R								R	R	R	G	R
Gun club, open																	R			
Gun range, private																		G	R	G
Marine facility	R			R					G		R	R			R	R	R		G	
Park, passive	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G

Key to Use Regulations Schedule Land Use Abbreviations:

IND/G = General Industrial  
 CH = Commercial High  
 CHO = Commercial High Office  
 CIV/P = Privately Owned Civic  
 IND/L = Light Industrial

CL = Commercial Low  
 CLO = Commercial Low Office  
 COM = Commercial  
 CR = Commercial Recreation

IND = Industrial  
 REC = Recreation  
 RES = Residential

RR = Rural Residential 10  
 SECT = Sector  
 SHOP = Shopfront  
 WORK = Workplace

Key to Use Regulations Schedule:

G = General Land Use

S = Special Land Use

R = Requested Land Use

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February 7, 1995



1 Subpart. Section 7.2 Site Standards; Off Street Parking has been  
2 amended to add language as follows:

3 **TABLE 7.2-1**  
4 **MINIMUM OFF-STREET PARKING AND LOADING STANDARDS**

5	Use	Parking	Loadi ng Sec. 7.2.D
6	<b>Public and Civic Uses</b>		
7	Hospital or medical	1.5 spaces per 2 beds, plus 1	C
8	center	space per employee	
9	Library	1 space per 400 square feet, plus 1 space per employee	N/A
10	Nursing or convalescent	1 space per four (4) beds, plus	D
11	facility	1 space per employee; may require bicycle rack if determined appropriate by DRC	
12	Rectory	1 space per clergy, plus 1 space per employee	N/A
13	Retreat house	1 space per three (3) beds, plus 1 space per employee	N/A
14	School, elementary	1 space per classroom, plus 1 space per employee; may require bicycle rack if determined appropriate by DRC	C
15	School, secondary	0.25 per student, plus 1 per employee may require bicycle rack if determined appropriate by DRC	C

16  

---

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1 Subpart. Site Development Standards; Off Street Parking and  
2 Loading; Off street parking; Parking area design and  
3 construction standards; Construction and design of  
4 parking area; Paving and drainage design, is amended to  
5 add language as follows:  
6

- 7 (d) Shell rock. The uses and associated features listed  
8 below may construct surface parking lots with  
9 shellrock or other similar material except for  
10 parking areas connected to a public street, such  
11 areas shall be paved.  
12

13 .....  
14

14 Subpart. Section 7.3.E.3.a.(6), Site Development Standards;  
15 Landscaping and Buffering; Landscape Standards; Landscape  
16 buffer strips; Landscape barriers is amended to delete  
17 and add language as follows:  
18

19 .....  
20

- 21 (6) Landscape barriers. A hedge, wall, fence, berm, or  
22 other landscape barrier shall be installed and  
23 maintained within the landscape buffer strip.  
24 Unless otherwise provided in this section, the  
25 barrier shall be no less than three (3) feet in  
26 height within a maximum of two (2) years after  
27 installation. The barrier shall be no more than  
28 twelve (12) feet in height for commercial uses, and  
29 four (4) ~~five (5)~~ feet in height in the front yard  
30 and six (6) ~~eight (8)~~ feet in height in the side  
31 and rear yards for residential uses.  
32

33 Subpart. Section 7.6.E. Site Development Standards; Excavation is  
34 amended to renumber and relocate standards for Excavation  
35 Type IA and Type IB and delete and add language as  
36 follows:  
37

38 E. Excavation Types: Before commencement of any  
39 excavation, approvals shall be obtained pursuant to  
40 the procedures and standards of this section of the  
41 Code. The following excavation types are defined:  
42

43 1. Type I (A) excavation. Type I (A) excavations  
44 shall be accessory to the construction of a single  
45 family residence with a lot area greater than one  
46 (1.0) acre. For excavation activities that meet  
47 these criteria see ~~Article 6 (Use Regulation~~  
48 ~~Schedule, Single Family)~~ Sec.7.6.G.3 (Specific  
49 criteria for Type I (A) excavation).  
50

51 2. Type I (B) excavation. Type I (B) excavation means  
52 excavation necessary for the creation of a pond  
53 which shall be accessory to a single family  
54 dwelling permitted by right in any zoning district  
55 on a lot greater than two and one half (2.5) acres.  
56 Sec.7.6.G.3 (Specific criteria for Type I (B)  
57 excavation).  
58

59 G. Specific Criteria. All non-exempt excavation  
60 activities must meet the requirements contained in  
61 the General Criteria Sec. 7.6.F (except where  
62 exempted by this section) and the following  
63 specific criteria for the type of excavation  
64 activity as listed below:

---

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1 **d-3. Type I (A) excavation.** Type I (A) excavation shall  
2 be accessory to the construction of a single family  
3 residence on a lot area greater than one (1.0) acre  
4 in size. ~~in accordance with Article 7, Section 6 of~~  
5 ~~this code. Other than Type 1 (A), all excavation~~  
6 ~~shall be regulated by the standards in Article 7 of~~  
7 ~~this Code.~~

8  
9 **(1)a. Procedure.** Prior to initiation of type I (A)  
10 excavation activities, approval to excavate  
11 shall be received concurrent with the receipt  
12 of a building permit from the PZB Department,  
13 pursuant to the procedural and substantive  
14 standards of this subsection.  
15

16 **(2)b. Application.** Any person requesting approval  
17 for Type I (A) excavation shall submit  
18 concurrently with a building permit  
19 application:  
20

21 **ii)(1) Site Plan.** A general site plan showing the  
22 standards listed below in item 1.d c.  
23 (Standards for Type I A excavation).  
24  
25

26 ~~(a) A notice of intent to excavate shall be submitted~~  
27 ~~on a form provided by the Zoning Division. This~~  
28 ~~notice of intent shall include the following:~~  
29

30 **ii)(2) Estimate Statement.** A statement estimating An  
31 estimate of the amount of material, in cubic  
32 yards of material to be excavated;  
33

34 **iii)(3) Authorization.** Notarized authorization from  
35 the property owner to excavate.  
36

37 **(3)(4) Determination of sufficiency, review and**  
38 **decision.** The PZ&B Department shall determine  
39 if the permit for type I (A) excavation is  
40 complete within ten (10) working days. If the  
41 form is not complete, the applicant shall be  
42 notified of the deficiencies. After the  
43 application has been determined complete, it  
44 shall be reviewed by the Zoning Director and  
45 approved, approved with conditions, or denied  
46 based on the standards listed in Article 7.6  
47 (excavation).  
48

49 **(4)(5) Review of reclamation prior to issuance of**  
50 **Certificate of Occupancy or Certificate of**  
51 **Completion.** The property owner shall submit to  
52 the PZ&B Department a Certificate Of  
53 Compliance depicting an as-built survey or a  
54 form board survey showing the location, size,  
55 depth of the excavation utilizing the  
56 standards of Section 7.6 (Excavation) and  
57 bearing the seal of a Registered Land  
58 Surveyor. This certificate shall be submitted  
59 prior to issuance of a certificate of  
60 occupancy. For single family lots where no  
61 permanent water body is created, the building  
62 permit site plan shall serve as the  
63 reclamation plan.  
64

65 **e-c. Standards for Type I (A) excavation.** All Type I (A)  
66 excavation shall conform to the following  
67 standards.  
68

69 **(1) No Off-site removal.** Off-site removal of fill shall  
70 be prohibited.



1  
2 (2) Depth. No excavation shall exceed ten (10) feet in  
3 depth below Ordinary High Water (OHW).  
4

5 (3) Slope. Side slopes no steeper than four (4) to one  
6 (1) from the top of bank to a depth of minus two (-  
7 2) feet OHW. However, a minimum four (4) foot high  
8 gated fence completely enclosing the excavation may  
9 be substituted for the required slopes.  
10

11 ~~(3)~~d. Surface area of Type I(A) excavation measured  
12 at OHW shall be reviewed according to the  
13 following criteria:  
14

15 ~~(a)~~(1) By-Right Permitted the maximum surface area of  
16 all Type 1(A) excavations on the premises  
17 shall be less than one eighth (0.125) acre.  
18

19 ~~(b)~~(2) Special Conditions the maximum surface area of  
20 all Type 1(A) excavations on the premises  
21 shall be at a maximum the minimum necessary to  
22 construct the proposed single family structure  
23 or one fifth (0.2) acre, whichever is less.  
24 Provided that in addition to the requirement  
25 set forth in 6.4 note 88.c.(Type 1(A)  
26 Excavation) the applicant must submit:  
27

28 ~~i)~~(a) Justification. A justification statement in  
29 the form of a letter to the Zoning Director  
30 detailing the need for the increased surface  
31 area of the Type 1(A) excavation;  
32

33 ~~ii)~~(b) Calculations. Cut and fill calculations,  
34 bearing the seal of a professional recognized  
35 and approved by the Florida Department of  
36 Professional Regulations for this type of  
37 project, to warrant the increase surface area  
38 of the Type 1(A) excavation; and,  
39

40 ~~iii)~~(c) Authorization. Written authorization from the  
41 Palm Beach County Health Department.  
42 Excavation associated with septic tank  
43 installation, demucking, and grading  
44 activities shall not be considered in these  
45 calculations.  
46

47 ~~(4)~~e. Building permit. The excavation is approved in  
48 conjunction and concurrent with a valid  
49 building permit for the site.  
50

51 ~~(5)~~f. Setback. No excavation (measured from the  
52 edge of water) shall be conducted within  
53 fifteen (15) feet at the time of construction  
54 to any of adjacent property lines, nor within  
55 fifty (50) feet of any potable water well or  
56 one hundred (100) feet of any septic tank,  
57 pursuant to Sec. 7.10 and 7.11, Environmental  
58 Control Rules I and II. In addition, a five  
59 (5) foot minimum setback is required from the  
60 top bank of an excavation to all property  
61 lines.  
62

63 ~~(6)~~g. Reclamation. All side slopes for type I (A)  
64 excavation shall be stabilized and planted

---

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1 with the appropriate ground cover from top of  
2 bank to the edge of the water. If seeding is  
3 to be used, it shall be required to have  
4 fifty percent coverage of seeded areas prior  
5 to CO.  
6

7 **f.4. Type I (B) excavation.** Type I (B) excavation shall  
8 be accessory to the construction and use of a  
9 single family residence with a lot area greater  
10 than two and one half (2.5) acres in accordance  
11 with Article 7, Section 6 of this code.  
12

13 **(1)a. Procedure.** Prior to initiation of type I (B)  
14 excavation activities, approval to excavate  
15 shall be received concurrent with the receipt  
16 of a valid building permit from the PZ&B  
17 Department, pursuant to the procedural and  
18 substantive standards of this subsection.  
19

20 **(2)b. Application.** Any person requesting approval of  
21 type I (B) excavation shall submit to the  
22 Zoning Director an application on a form  
23 established by the Zoning Director. The  
24 application requirements shall include but not  
25 be limited to the following:  
26

27 **(a)(1) Site Plan.** A site plan showing the proposed  
28 excavation, including but not limited to: all  
29 structures, improvements, easements, right-  
30 of-ways existing and proposed, and any other  
31 information as required by this Code,  
32

33 **(b)(2) Statement.** A statement listing the nature of  
34 the excavation operation, including but not  
35 limited to: the amount of materials expected  
36 to be excavated, the duration of the  
37 excavation activity, the amount of fill to be  
38 removed from site, the amount of fill to  
39 remain on site and, the proposed method of  
40 excavation;  
41

42 **(c)(3) Aerial.** A 1:200 aerial or better clearly  
43 depicting the site; and,  
44

45 **(d)(4) Fee.** A fee, as adopted by the established fee  
46 schedule.  
47

48 **(3)(5) Determination of sufficiency, review and**  
49 **decision.** After the application has been  
50 determined complete, it shall be reviewed by  
51 the Development Review Committee for  
52 certification to assure compliance with the  
53 standards established in Sec.5.6, and  
54

55 **g-c. Standards Type I B Excavation.** All Type I(B)  
56 excavation shall meet the requirements of Sec.  
57 7.6.F.1,2,a,5,6,7, 8,9,10,and 11 (General Criteria  
58 For Excavations), in addition to the following  
59 items:  
60

61 **(1) Depth.** No excavation shall exceed fifteen (15) feet  
62 in depth below the OHW.  
63

64 **(2) Surface area.** The maximum surface area of all

---

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excavation on the premises shall be less than twenty five (25%) percent of the gross lot area and shall not exceed two (2.0) acres in surface area.

(3) Building permit. The excavation is approved in conjunction and concurrent with a valid building permit for the site.

(4) Setback. No excavation shall be conducted within fifty (50) feet of an adjacent property line, nor within fifty (50) feet of any potable water.

(5) Slopes. All side slopes shall be planted or seeded with the appropriate ground cover from the top of bank to the edge of water. All seeded areas must have a fifty (50) percent coverage prior to final inspection.

(6) Duration. No special type I (B) excavation permit shall be valid after one hundred and twenty (120) days from the issuance of the special type I (B) excavation permit.

.....

35. Type II Excavations: All Type II Excavations must meet all the General Criteria in Section 7.6.F (except 7.6.F.12 and 7.6.F.13) and the following additional requirements:

.....

4-6. Type III Excavations: All Type III Excavations must meet all the General Criteria in Section 7.6.F and the following additional requirements:

Subpart. Section 7.7.B.1.a, Driveways and Access; Driveway; Spacing; Local or Residential Access Streets, is amended to add and delete language as follows:

a. Local or residential access streets. Lots located on local or residential access streets shall have a maximum of two (2) accessways. Driveways for single-family lots along located on local or residential access streets at interior locations shall be located no closer than two (2) feet maintain a minimum setback from a side or rear land lot line- as follows:

1. Single Family or Multifamily driveways - 2 foot
2. Zero Lot Line driveways - 1 foot
3. Townhouse driveways - 1 foot

Subpart. Section 7.8.A.4.a (1) (b), Site Development Standards; Miscellaneous Standards; Performance Standards; Noise; Maximum permissible sound levels; Specific prohibitions, is amended to add language as follows:

4. Noise

a. Maximum permissible sound levels.

(1) Specific prohibitions. The following activities shall be prohibited.

---

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(a) Public streets and parks. The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of one hundred (100) feet from the sound source at any time.

(b) Loud speakers and sound amplifiers. The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device ~~between the hours of 11:00 PM and 7:00 AM on weekdays and 11:00 PM and 10:00 AM on weekends and holidays,~~ within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the land property line of the inhabited residential land at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants or night clubs.

Subpart. Section 7.9.(I) D - Standard, Subsection 2.(E), Tables 2A and 2B, Traffic Performance Standards; is amended as follows:

(E) Tables 2A and 2B represent the maximum Radius of Development Influence (Test 1) and Model Maximum Radius of Development Influence (Test 2) for the specific volume of the PROPOSED PROJECT'S Net Trips. The actual radius of development influence may vary, depending upon the distribution of the Project's Net Trips on the Major Thoroughfare system based upon the configuration of such and location of the project on the Major Thoroughfare system, based upon generally accepted traffic engineering principles, in which case the County Engineer may require a larger Radius of Development Influence.

TABLE 2A  
Test 1 - Link/Buildout Test  
MAXIMUM RADIUS OF DEVELOPMENT INFLUENCE

Net Trip Generation	Distance
1 - 200	Only address Directly Accessed Link on first accessed major thoroughfare
201 - 500	.5 mi.
501 - 1,000	1 mi.
1,001 - 5,000	2 mi.
5,001 - 10,000	3 mi.
10,001 - 20,000	4 mi.
20,001 - Up	5 mi.

Where a Proposed Project has a Radius of Development Influence greater than one-half (.5) mile, then that Project must address only those Links beyond the one-half (.5) mile radius on which its Net Trips are greater than one percent (1%) of the Level of Service D AADT volume of the Link affected up to the limits set forth in this

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Table 2A. Provided, in all cases, I-95 shall be addressed only if Net Trips on I-95 are greater than ~~one-percent (1%)~~ five percent (5%) of the Level of Service D AADT volume.

TABLE 2B  
Test 2 - Model Test  
MAXIMUM RADIUS DEVELOPMENT INFLUENCE

Net Trip Generation	Distance
1 - 50	Need not address any link under Test 2
51 - 1000	Only address directly-accessed link on first accessed major thoroughfare.
1001 - 4000	1 Mi.
4001 - 8000	2 Mi.
8001 - 12,000	3 Mi.
12,001 - 20,000	4 Mi.
20,001 - up	5 Mi.

Except for Projects generating fewer than fifty-one (51) trips, all Projects must address at least the Directly Accessed Link. When a Site Specific Development Order has a Radius of Development Influence beyond the Directly Assessed Link, then that Project must address only those links beyond the Directly Accessed Link on which its Net Trips are greater than three percent (3%) of the Level of Service D on an AADT basis of the Link affected up to the limits set forth in this Table 2B. Provided, in all cases, I-95 shall be addressed only if Net Trips on I-95 are greater than five percent (5%) of the Level of Service D AADT volume.

Subpart Section 7.9.(I) B - Definitions, Subsection 2.; Traffic Performance Standards, is amended to delete and add language as follows:

ASSURED CONSTRUCTION - Road Construction Improvements scheduled to be made to the Major Thoroughfare system by one or more of the following means:

.....

(H) DEVELOPMENT ORDERS for a Development of Regional Impact (DRI) with a project buildout of more than five (5) years may meet Test One and Alternate Test One based on Development Order conditions that phase building permits to the commencement of ASSURED CONSTRUCTION for the first five years of the project and the construction of identified roadway links in the 2010 Plan Network beyond the first five years of the project. No building permits within the DRI may be issued until the roadway improvement that the building permits are phased to is under construction.

Notwithstanding the provisions above, any project which is a DRI, located east of I-95, which is phased to any single roadway project costing in excess of \$15 million,

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1 may consider that roadway project to be under  
2 construction for the purpose of issuing building permits  
3 if the roadway project is in the first three years of an  
4 adopted work program. The DRI development order must  
5 include a condition that the roadway project must be  
6 under construction no more than three years after the  
7 certificate of occupancy (or functional equivalent) for  
8 the portion of the development that precipitated the need  
9 for the roadway project.

10  
11 Subpart. Section 7.17.A, Site Development Standards; Historic  
12 Preservation Procedures; Purpose and Intent, is amended  
13 to add language as follows:  
14

15 A. Purpose and Intent. The purpose and intent of this  
16 section is to promote the health, safety and  
17 welfare of existing and future residents of Palm  
18 Beach County by protecting, enhancing and examining  
19 the historic resources of Palm Beach County. It is  
20 recognized that there are within unincorporated  
21 Palm Beach County and on County owned property in  
22 municipalities historic sites worthy of  
23 preservation and concentrations of historic  
24 buildings worthy of designation as historic  
25 districts. This section provides mechanisms to  
26 promote historic preservation in Palm Beach County  
27 by the designation of historic sites and districts,  
28 and the regulation of construction and demolition  
29 of historic sites and within historic districts.  
30  
31

32 Subpart. Section 11.1, Adequate Public Facility Standards;  
33 General; Exemptions, is amended to delete language and  
34 renumber subsections as follows:  
35

36 C. Exemptions. The following shall be exempt from the  
37 requirements of this article.  
38

39 1. All development that has received a  
40 Concurrency Exemption Certificate or  
41 Concurrency Exemption Extension Certificate,  
42 pursuant to the "Concurrency Exemption  
43 Ordinance of Palm Beach County" and the  
44 "Concurrency Exemption Extension Ordinance";  
45

46 ~~2. Construction of public facilities identified~~  
47 ~~in the CIE of the Comprehensive Plan, or~~  
48 ~~funded in the CIE and identified in other~~  
49 ~~elements of the Plan;~~  
50

51 ~~2.3-~~ .....

52 ~~3.4-~~ .....

53 ~~4.5-~~ .....

54  
55  
56  
57 ~~5.6-~~ The official list of additional specific  
58 permit types as established by the Zoning  
59 Planning Director which are deemed to have no  
60 impact on public facilities.  
61

---

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Subpart. Section 11.2.K, Adequate Public Facility Standards; Level of Service (LOS) Standards; LOS for Drainage Facilities, is amended to delete and add language as follows:

K. LOS for Drainage Facilities means that a legal right to drain exists to convey stormwater discharged from each development site to a point of legal positive outfall. ~~facilities adequate to handle the following storm flows.~~

DEVELOPMENT  
FEATURE

LEVEL OF SERVICE

~~○ Lowest habitable space of residential and commercial buildings.~~

~~Inundation elevation resulting from 100-year, 3-day rainfall, assuming zero discharge, or 100-year flood elevation per F.E.M.A. Flood Insurance Rate Maps; or 100-year flood elevation as established by SFWMD rule, whichever is more restrictive.~~

~~○ Residential Subdivision Lots with gross area one-quarter acre or less. (1)(2)~~

~~3-year, 24-hour rainfall.~~

~~○ Residential Subdivision lots with gross area greater than one-quarter acre.~~

~~(a) 3-year, 24-hour rainfall.~~

~~(a) within 20 feet of habitable building.~~

~~(b) duration of inundation not to exceed 8 hours subsequent to 3-year, 24-hour rainfall.~~

~~(b) remainder of lot except areas designated for stormwater management purposes.~~

~~○ Local Streets. (1)(2)~~

~~3-year, 24-hour rainfall.~~

~~○ Collector Streets not included in Thoroughfare Plan. (1)(2)~~

~~5-year, 24-hour rainfall.~~

~~○ Thoroughfare Plan Streets.~~

~~In accordance with applicable requirements, pursuant to FDOT Drainage Manual.~~

~~○ Residential Parking Lots.~~

~~3-year, 24-hour rainfall (5-year, 24-hour rainfall when~~

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(1)(2)

exfiltration—trench—system  
used.)

~~Commercial  
Parking Lots.  
(1)(2)~~

~~3-year, 24-hour rainfall  
(5-year, 24-hour rainfall when  
exfiltration—trench—system  
used.)~~

~~Recreation and  
Open Space  
Areas not  
specifically  
designated for  
stormwater  
management  
purposes.~~

~~(1) Hydraulic  
capacity design of  
related storm water  
discharge facilities  
is to be based on  
peak runoff rates  
produced by rainfall  
intensities for  
applicable return  
periods in  
accordance with  
intensity versus  
duration curves for  
FDOT Zone 10.~~

~~(2) Tailwater  
elevations for  
design of related  
storm sewerage shall  
be based on peak  
receiving water  
elevations  
determined for the  
noted return period  
and duration.~~

Subpart. Section 11.4.B.6, Review for Adequate Public Facilities; Procedure for review of Adequate Public Facilities Determination; Standards for review of application for Adequate Public Facilities Determination is amended to add the following:

- d. Drainage facilities. The drainage component shall be approved if the proposed development has a legal right to establish an access to a point of legal positive outfall.

Subpart. Section 11.4.A, Adequate Public Facility Standards; Review for Adequate Public Facilities; General, is amended to delete and add language as follows:

1. Preliminary development order. No application for a development permit, except one for a variance or a special permit, for a preliminary development order shall be approved without until receipt of either a Concurrency Exemption Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate

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of Concurrency Reservation or an Adequate Public Facilities Determination.

2. Final development order. No application for a development permit, except one for a variance or a ~~special permit~~, for a final development order shall be approved without receipt of either a Concurrency Exemption Determination, a Certificate of Concurrency Reservation, or a Certificate of Concurrency Reservation with conditions.

Subpart. Section 11.4.B, Adequate Public Facilities; Review for Adequate Public Facilities; Procedure for review of Adequate Public Facilities Determination is amended to delete and add language as follows:

7. Rules of General Applicability.

- (a) Expiration. An Adequate Public Facilities Determination shall expire after ~~three (3)~~ six (6) months from date of issuance.

- (b) Effect. An Adequate Public Facilities Determination shall serve as a statement that based upon the present public facility capacity, adequate public facilities are available to serve the development at the time of the approval of the Adequate Public Facilities Determination. An Adequate Public Facilities Determination shall not be considered a Certificate of Concurrency Reservation. A subsequent application for a development permit for development that has been approved based upon an Adequate Public Facilities Determination shall be required to receive a new Adequate Public Facilities Determination, a Conditional Certificate of Concurrency Reservation, or Certificate of Concurrency Reservation, whichever is appropriate. ~~It shall not be considered a Certificate of Concurrency Reservation.~~ An Adequate Public Facilities Determination may be obtained for all development orders except for a plat or building permit. A plat or building permit shall not be issued until receipt of a Certificate of Concurrency Reservation, or Certificate of Concurrency Reservation with conditions.

- (d) Conversion of an Adequate Public Facilities Determination to a Certificate of Concurrency Reservation. Within the six (6) month validity of the Adequate Public Facilities Determination, the applicant may request that the determination be converted to a Certificate of Concurrency Reservation. The request shall require submittal of an amendment to the application and payment of the applicable fee. Once all service providers have approved the amendment, a Certificate of Concurrency Reservation will be issued.

If an Adequate Public Facilities Determination expires, the applicant may:

- (1) renew the determination by submitting an updated application, and payment of applicable fees, or
- (2) apply for a Certificate of Concurrency Reservation by submitting an application for a concurrency reservation.

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In either case, review and approval by all the concurrency service providers shall be required.

Subpart. Section 11.4.B, Adequate Public Facility Standards; Review for Adequate Public Facilities; Procedure for review of Adequate Public facilities Determination, is amended to delete all reference to Planning Director and replace with reference to Zoning Director.

Subpart. Section 11.4.B.6, Adequate Public Facility Standards; Review for Adequate Public Facilities, is amended to add language as follows:

6. Standards for review of application for Adequate Public Facilities Determination.

.....

d. Drainage facilities. The drainage component shall be approved if the proposed development has a legal right to establish an access to a point of legal positive outfall.

Subpart. Section 11.4.C., Adequate Public Facility Standards; Review for Adequate Public Facilities; Procedure for review of Certificate of Concurrency Reservation, is amended to delete all reference to Planning Director and replace with reference to Zoning Director.

Subpart. Section 11.4.C.5 Adequate Public Facility Standards; Review for Adequate Public Facilities; Procedure for review of Certificate of Concurrency Reservation, is amended to delete all reference to Planning Director and replace with reference to Zoning Director and add and delete language as follows:

(a) Enter into a Ninety (90) Day Negotiation Period. If during the ninety (90) day period, the applicant resolves the deficiencies, the application shall be reconsidered by the Zoning Planning Director and approved or denied consistent with the standards of this Article. If the deficiencies are not resolved within ninety (90) days, the application shall be denied.

(b) Receipt of a Certificate of Concurrency Reservation with conditions. If the appropriate Service Provider can ensure there will be adequate public facilities with condition(s) on the Certificate of Concurrency Reservation, the Certificate of Concurrency Reservation shall be approved subject to compliance with that condition. No building permit shall be issued for development subject to a Certificate of Concurrency Reservation with conditions until all conditions have been met.

Subpart. Section 11.4.C, Adequate Public Facility Standards; Review of Adequate Public Facilities, Procedure for review of Certificate of Concurrency Reservation is amended to delete and add language as follows:

6. Standards for review of application for Certificate of Concurrency Reservation.

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1 d. Drainage facilities. The drainage component shall be  
2 approved if the proposed development has a legal right to  
3 establish an access to a point of legal positive outfall  
4 and provides means for connection of stormwater flow from  
5 the proposed development to a legal positive outfall.  
6

7 7. Rules of General Applicability.  
8

9 e) (a) Effect. Receipt of a Certificate of Concurrency  
10 Reservation shall constitute proof of adequate  
11 public facilities to serve the proposed  
12 development. A Certificate of Concurrency  
13 Reservation with conditions shall constitute proof  
14 of adequate public facilities to serve the proposed  
15 development only when all conditions have been met.  
16 A subsequent application for a development permit  
17 for development for which a Certificate of  
18 Concurrency Reservation or a Certificate of  
19 Concurrency Reservation with conditions has been  
20 approved, shall be determined to have adequate  
21 public facilities as long as: 1) the development  
22 order for which the Certificate was approved has  
23 not expired; 2) all annual fees necessary to  
24 maintain the reservation are paid each year; and,  
25 3) the development is not altered to increase the  
26 impact of the development on public facilities.  
27 ~~The expiration of a development order shall result~~  
28 ~~in the expiration of the Certificate of Concurrency~~  
29 ~~Reservation or a Certificate of Concurrency~~  
30 ~~Reservation with conditions.~~  
31

32 (a) (b) Expiration. A Certificate of Concurrency  
33 Reservation with conditions shall expire one (1)  
34 year from the date of its issuance if a  
35 development order is not issued for the development  
36 for which the Certificate was approved for all  
37 development orders, except when a building permit  
38 is the only development order required. If the only  
39 required development order is a building permit,  
40 then the application for the building permit must  
41 be made prior to the expiration date of the  
42 Certificate of Concurrency Reservation. In such  
43 cases, the building permit must be issued within  
44 six (6) months, or the Certificate of Concurrency  
45 Reservation shall expire.  
46

47 .....  
48 (b) (c) Extension. .....  
49

50 Subpart. Section 11.5, Adequate Public Facilities; Entitlement  
51 Density, is amended to delete all reference to Planning  
52 Director and replace with a reference to Zoning Director.  
53

54 Subpart. Section 11.6.C, Adequate Public Facility Standards;  
55 Concurrency Exemption Extension, is amended to delete all  
56 reference to Planning Director and replace with a  
57 reference to Zoning Director  
58

59 SUBPART. Section 12.4, Development Agreements; Procedure for  
60 Review of Development Agreement; Submission of  
61 Application, is amended to delete all reference to  
62 Planning Director and replace with a reference to Zoning  
63 Director.

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**PART 2.** Sections of the Unified Land Development Code pertaining to Impact Fees are amended as follows:

**EXHIBIT 1**

**Subpart. 1** Section 3.2, Definitions, is amended to add language as follows:

**Retail sales, general** means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Typical uses include auto parts stores, bookstores, business machine sales, rental and accessory repair stores, clothing stores, department stores, discount stores, drug stores, electronic and household appliance stores, florists, food stores (excluding convenience stores), floor covering stores, furniture stores, garden supply stores, hardware stores, marine supply stores (excluding boat sales), office supply stores, optical retail sales, paint stores, toy stores and variety stores and stores for the sale and rental of small machines such as golf carts, lawnmowers, mopeds, or accessory repair for items sold. For impact fee purposes, general retail will also include services such as entertainment, eating and drinking establishments, and personal services.

\* \* \*

**Subpart. 2** **Square footage** means the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except those uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures which functionally extend the primary use are included. Decorative canopies or canopies designed to protect from weather are not included. For impact fee purposes of residential development, the square footage means the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.

**Subpart. 3** Section 4.8.B, Impact Fee Review Committee; Powers and Duties, is amended to add delete language as follows:

1. To submit a Reports to the Board of County Commissioners by February 15 and August 15 of each year relating to:

**Subpart. 4** Section 4.8.C, Impact Fee Review Committee; Board Membership, is amended to add and delete language as follows:

1. **Qualifications.** Members of the Impact Fee Review

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Committee shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee, including a Board of County Commission aide, ~~except the Impact Fee Coordinator,~~ shall serve on the Impact Fee Review Committee. The Impact Fee Review Committee shall be composed of ~~twelve (12)~~ eleven (11) members. The membership of the Impact Fee Review Committee shall include four (4) representatives from municipalities within the County, ~~three (3)~~ four (4) representatives from the business community, ~~one (1) member of the Zoning Commission,~~ and three (3) members selected at large, ~~and the Impact Fee Coordinator.~~

Subpart. 5

Section 10.1.A, General; Intent, authority and findings, is amended to add and delete language as follows:

1. Intent. This article is intended to implement and be consistent with the Comprehensive Plan and to regulate the use and development of land. It is the intent of Palm Beach County that new development shall bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools ~~site~~ and road capital facilities in Palm Beach County as is contemplated in the Comprehensive Plan.

Subpart. 6

Section 10.1.D., General; Imposition of fee, is amended to add and delete language as follows:

2. Expansion, replacement or change of use of existing land uses. Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement or change of use. The feepayer may be eligible for credit for the existing land use pursuant to section 10.1.K.1.a. ~~If the use of a structure or land has been abandoned for a period of five (5) years, no credit or exemption shall be given for the existing structure, and the impact fee shall be calculated on the entire existing and proposed structure or use. The burden of demonstrating the existence of a use or structure shall be upon the Feepayer. Documentation must be submitted at the time plans are submitted for review to the Building Division. Any impact fees previously paid for such use or structure may be credited against an impact fee assessed for the same impact fee component upon presentation of documentation of such payment to the Impact Fee Coordinator. In the case of an addition to existing development, the feepayer shall provide to the local government a certification of an architect, engineer, contractor, surveyor, or building official having jurisdiction setting forth the square footage of the existing building. In the case of an addition to an existing residential building, the feepayer shall have the option of paying the impact fee for the addition as if it alone were a new building rather than provide the certification of existing~~

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~~square-footage.~~

Subpart. 7      Section 10.1.E, General; Computation of fee, is amended to add and delete language as follows:

3.    Land uses not specified in fee schedule.

- a.    ~~Impact fees other than roads.~~ Except for road impact fees, if the type of land development for which a building permit or other appropriate permit is applied, is not specified on the impact fee schedule, the Impact Fee Coordinator shall use the impact fee applicable to the most nearly comparable type of land use on the fee schedule. For road impact fees, the Impact Fee Coordinator shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of the Institute of Transportation Engineers (ITE). The Impact Fee Coordinator shall follow the procedure pursuant to Sec. 10.1.E.2, and 10.8.C.

Subpart. 8      5.    Bi-annual Biennial review.    Bi-annually Biennially beginning in January, 1994, the Impact Fee Coordinator shall recommend to the Board of County Commissioners whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. This recommendation shall be as a result of a review of the data from which the fee schedules are calculated. The purpose of this review is to evaluate the level of service for each impact fee component to determine whether it should be adjusted based on changed conditions, to analyze the effects of inflation and other cost factors on the actual costs of capital facilities, to assess any changes in credits and generation rates and to ensure that the impact fee charged new land use activity impacting capital facilities will not exceed its pro rata share for the reasonably anticipated costs of capital facilities necessitated by the new land development.

Subpart. 9      Section 10.1.F, Independent fee calculation study; is amended to add and delete language as follows:

1.    General. If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall, at the feepayer's expense, prepare and submit to the Impact Fee Coordinator an independent fee calculation study for the proposed land use. An independent fee calculation study for road impact fees shall be submitted simultaneously to the Impact Fee Coordinator and the County Engineer. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report, or the methodology used for the calculation of road impact fees, whichever is appropriate. The independent fee calculation study shall be conducted by a professional in impact analysis. An independent fee calculation study for

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road impact fees shall be conducted by a professional in road impact fee analysis or by a registered engineer. The burden shall be on the feepayer to provide the Impact Fee Coordinator all relevant data, analysis and reports which would assist the Impact Fee Coordinator in determining whether the impact fee should be adjusted. ~~The Impact Fee Coordinator shall adjust the impact fee if substantial evidence is submitted that clearly demonstrates that an adjustment is necessary under the methodology upon which the impact fee is based. A feepayer wishing to provide additional information after the initial independent calculation has been submitted shall have up to thirty (30) days to submit additional data.~~

\* \* \*

3. Contents of application. The application shall be in a form established by the Impact Fee Coordinator and made available to the public. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report, or the methodology used for the calculation of road impact fees, whichever is appropriate. ~~The independent fee calculation shall be conducted by a professional in impact analysis.~~ A feepayer wishing to perform an independent fee calculation study for road impact fees shall prepare a traffic impact analysis, which shall include, as appropriate, documentation of:

Subpart. 10

Section 10.1.F.5, General; Action by Impact Fee Coordinator, is amended to add and delete language as follows:

- c. Responsibility of feepayer. The burden shall be on the feepayer to provide all relevant data, analysis and reports which would assist the Impact Fee Coordinator and, in the case of roads, the County Engineer in making a determination of the appropriate impact fee. The analysis and report must be based on generally accepted methods and the formulas for the specific fee component in the Impact Fee Report, or in the case of roads, the methods and formulas described in this section and below in Sec. 10.8. A feepayer wishing to provide additional information after submitting the initial independent fee calculation study must do so no later than thirty (30) days after the date of the Impact Fee Coordinator's determination of sufficiency. The Impact Fee Coordinator will not accept additional information relevant to an independent fee calculation study after this deadline. If the impact fee is adjusted the feepayer shall provide a copy of the Impact Fee Modification Certificate in conjunction with any at the time of permit application issuance. Failure to provide a copy of the certificate at the time of permit application issuance shall constitute a waiver of any adjusted fee.

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Subpart. 11

Section 10.1.F.7, General; Appeal, is amended to add a subsection as follows:

- d. Any aggrieved party, including Palm Beach County, may appeal an order of the Impact Fee Appeals Board to the Fifteenth Judicial Circuit Court of Palm Beach County. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Board. The County may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with section 119.07, Florida Statutes, as amended from time to time.

Subpart. 12

Section 10.1.G, General; Collection and Administrative Fees, is amended to delete language as follows:

2. Administrative Fees. Except for Belle Glade, South Bay, and Pahokee, who shall be entitled to retain four percent (4%) because park, school site and road impact fees are not collected, the local government collecting the impact fee shall be entitled to retain two percent (2%) of the funds collected to cover the costs associated with the collection of the impact fees, and in the case of the County, the administration, investment, accounting, expenditure, and auditing of the funds.

Subpart. 13

Section 10.1.I, General; Use of impact fees, is amended to delete a subsection as follows:

3. ~~Use of road impact fee funds.~~ Road impact fees collected in accordance with this article shall be used solely for the purpose of construction or improving roads, streets, highways and bridges on the major road network system, including but not limited to:
- ~~(1) Design and construction plan preparation;~~
  - ~~(2) Right-of-way acquisition;~~
  - ~~(3) Construction of new through lanes;~~
  - ~~(4) Construction of new turn lanes;~~
  - ~~(5) Construction of new bridges;~~
  - ~~(6) Construction of new drainage facilities in conjunction with new roadway construction;~~
  - ~~(7) Purchase and installation of traffic signalization;~~
  - ~~(8) Construction of new curbs, medians and shoulders;~~
  - ~~(9) Relocating utilities to accommodate new roadway construction~~

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**4-3. Expenditures shall benefit new development.** Impact fees shall be used only for capital facility costs for which the impact fees are levied and which add capacity needed to serve new development.

**5-4. Non lapsing.** The respective trust funds shall be non-lapsing.

**6-5. Annual capital facility programs.** Annually,

Subpart. 14 Section 10.1.J.1.b, General; Untimely encumbrance, is amended to add and delete language as follows:

- (1) **Untimely encumbrance.** Notwithstanding section 10.1.J.1.a. above, if Palm Beach County fails to encumber the impact fees paid by the feepayer by the end of the calendar quarter immediately following six (6) years from the date the impact fees are paid, and fails to spend the impact fee within nine (9) years of the end of the calendar quarter in which the impact fees are paid, the feepayer or a successor in interest shall be entitled to a refund except that Palm Beach County shall retain an additional two percent (2%) of the impact fee to offset the costs of refund. The feepayer or successor in interest shall submit an application for refund to the Impact Fee Coordinator pursuant to Sec. 10.1.J.2, within one (1) year following the end of the calendar quarter in which the right to a refund occurs. In determining whether the fee paid by the feepayer has been encumbered or spent, monies in the trust fund shall be considered to be expended on a first in, first out basis; that is, the first fees paid shall be considered the first monies withdrawn.

\* \* \*

- (2) **Notification of potential refund.** If more than five percent (5%) of the impact fees collected in any fiscal year within any trust fund are unencumbered after the end of the sixth fiscal year following the fiscal year in which the impact fees were collected, Palm Beach County shall notify the present owners of lands for which the unencumbered impact fees were paid of the possibility of a refund. Any claim for a refund of impact fees shall be deemed waived if application for a refund is not received within six (6) months of the mailing or delivery of such notice.

Subpart. 15 Section 10.1.J.2.e, General; Appeal, is amended to add and delete language as follows:

- ~~(1) Any feepayer or a successor in interest may appeal the decision of the Impact Fee~~

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~~Coordinator by filing an appeal with the Impact Fee Appeals Board within fifteen (15) working days of a decision by the Impact Fee Coordinator.~~

~~(2) The Impact Fee Appeals Board shall notify the applicant within ten (10) working days of the hearing and invite the applicant or the applicant's representative to attend the hearing. The Impact Fee Appeals Board shall make a decision on the appeal within sixty (60) working days of its filing.~~

~~(3) At the hearing, the Impact Fee Appeals Board shall provide the applicant, County staff, and any other interested person, an opportunity to present testimony and evidence. The Impact Fee Appeals Board shall affirm the decision of the Impact Fee Coordinator, or modify or reverse the decision of the Impact Fee Coordinator, based on the standards in Sec. 10.1.J.1 or 2. The Impact Fee Appeals Board shall reverse the decision of the Impact Fee Coordinator only if there is substantial competent evidence presented at the hearing that the Impact Fee Coordinator erred from the standards in Sec. 10.1.J.1 or 2, whichever is appropriate.~~

(1) The decision of the Impact Fee Coordinator may be appealed pursuant to Section 10.1.F.7.

Subpart. 16

Section 10.1.K, General; Credits, is amended to add language as follows:

1. General. Credit against impact fees shall be given to the feepayer or a successor in interest to the property for the following, except as limited or permitted by specific provisions of this section.

\* \* \*

(3) A use of a structure or land which has been abandoned for a period of more than (5) years shall not be considered existing for the purposes of this section. The burden of demonstrating the existence of a use of a structure or land shall be on the feepayer.

Subpart. 17

Section 10.1.K.1.b., General; Special district assessments, is amended to add language as follows:

- b. Special district assessments. A credit shall be given against the impact fee component where, upon prior approval by Palm Beach County, the same new capital facility is provided by a special district rather than Palm Beach County and the feepayer is assessed for the new

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capital facility.

Subpart. 18

Section 10.1.K.1.f, General; Credits, is amended to add and delete language as follows:

f. Special provisions for school site credits.

(1) General. Dedications of land for use as school site may, if accepted by the School Board, be credited against school impact fees. The School Board or the Superintendent shall have responsibility for evaluating, according to the standards contained herein, a site proposed ~~for~~ dedication under this subsection. An application for a site dedication credit shall be in a form prescribed by Palm Beach County, and shall contain such information as to guide the School Board and Superintendent in reviewing the application for consistency with these standards. If any credit against any school site impact fees is given, the dedication shall be credited in an amount equal to its full fair market value at the time of dedication, and shall not exceed the full dedication cost. ~~Sites~~ The proposed ~~for~~ dedication shall comply with, and be reviewed considering, the following standards:

- (a) The site proposed dedication shall be located so as to provide the greatest access to students. If a single development will not generate sufficient students to fill a school, ~~the site~~ it should be located so as to be easily accessible to students from neighboring areas.
- (b) The site proposed dedication shall create an appropriate distance between existing or planned schools: one (1) mile for elementary schools, two (2) miles for middle schools, and (3) miles for high schools.
- (c) The site proposed dedication and surrounding areas shall be free from health or safety hazards and shall be protected against noise, air pollution and/or odors.
- (d) The site proposed dedication shall be accessible from two

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(2) different streets, with one (1) street preferably a collector street. This standard shall be waived for elementary or middle schools if access is available on one (1) street from two (2) directions. ~~Sites Dedications~~ should not be located on arterial roads; however, if such ~~sites dedications~~ are proposed, they may be considered if provision is made for the construction of overpasses or pedestrian lights. The construction of median cuts, left turn lanes and storage lanes shall be practicable to facilitate access to the proposed ~~site dedication~~ by buses and automobiles.

- (e) The ~~site proposed dedication~~ shall be located so as to facilitate safe transit to neighboring areas by sidewalks and/or bike paths.
- (f) The ~~site proposed dedication~~ shall be evaluated for the availability of central water and sewer, electricity and phone services and for its proximity to fire hydrants.
- (g) All proposed ~~sites dedications~~ shall allow at least two (2) separate entrances for school buses and staff; high school ~~sites dedications~~ shall also provide separate entrances for students and parent drop off. All ~~sites dedications~~ shall allow for adequate parking for buses; elementary and middle school ~~sites dedications~~ shall allow for parking for one hundred twenty (120) staff automobiles, high school ~~sites dedications~~ shall allow for two hundred twenty five (225) staff and four hundred twenty five (425) student parking spaces.
- (h) In addition to providing sufficient area to accommodate on site retention of stormwater, proposed school ~~sites dedications~~ shall be of the following minimum sizes and shall have the following minimum dimensions: elementary schools shall have a minimum site size of fifteen (15)

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acres, with a minimum seven hundred eighty (780) feet of frontage and eight hundred forty (840) feet of depth; middle schools shall have a minimum site size of twenty-five (25) acres, with a minimum frontage of eight hundred (800) feet and a depth of one thousand three hundred and sixty (1360) feet; high schools shall have a minimum site size of fifty (50) acres, with a minimum frontage of one thousand two hundred (1200) feet and a depth of one thousand eight hundred (1800) feet.

- (i) When the school site dedication is located within a residential development, provision of a circulation system or turnaround area with a ninety (90) foot diameter shall be available so that buses need not back up to leave the development. Bus stop locations, preferably located adjacent to a public area such as a park, shall be provided so that buses do not have to enter the development.
  - (j) The site dedication shall be examined for consistency of the proposed use with applicable comprehensive plans, land development regulations, and concurrency provisions.
- (2) Consideration and acceptance by School Board. All applications for a school site credit shall be reviewed and a response issued by the Superintendent or the School Board within sixty (60) working days of the submission of the application. If the request is approved, the Superintendent shall notify the Impact Fee Coordinator, and if other than Palm Beach County, the local government issuing the development permit. The Impact Fee Coordinator shall determine the value or the credit. No credit shall be given until the site dedication is conveyed to the School Board in accordance with this section.
- (3) Conveyance to the School Board. To convey sites dedications to the

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School Board, the feepayer shall provide, at no cost to the School Board and in a form approved by the School Board's attorney, the following documents:

- (a) A complete and current abstract of title together with a title insurance commitment to insure the property in a sum agreed to by the School Board, such to be delivered to the School Board;
- (b) A warranty deed, along with sufficient funds to record the deed, to be delivered to the School Board or the title insurance agent;
- (c) Evidence that taxes for the current year have been placed in escrow pursuant to Sec. 196.296, Fla. Stat., as amended, or that the taxes have been paid;
- (d) A completed title insurance policy issued subsequent to the recording of the deed and the escrow of taxes.

Subpart. 19

Section 10.1.K.1.i, General; Special allocation of credits, is amended to add and delete language as follows:

- (1) Past administrative practices to continue. Notwithstanding any other provisions of this subsection, if fair share contributions have been prorated or assigned to a portion of a development through past practices, no application for a special allocation need be made, provided that a covenant is executed in accordance with Section 10.1.K.1.i.(3)-(b), (5), below.

\* \* \*

- (4) Application fee provided. The Board of County Commissioners may establish a reasonable fee for processing of applications for special allocations. Any such fee duly established by the Board of County Commissioners shall be paid at the time the application for special allocation is submitted.

Subpart. 20

Section 10.1.K, General; Credits, is amended to add and delete language as follows:

2. Appeal.

The decision of the Impact Fee Coordinator may be appealed pursuant to Section 10.1.F.7.

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- (a) ~~Any applicant may appeal the decision of the Impact Fee Coordinator by filing an appeal with the Impact Fee Appeals Board within fifteen (15) working days of a decision by the Impact Fee Coordinator.~~
- (b) ~~The Impact Fee Appeals Board shall make a decision on the appeal within sixty (60) working days of its filing. The Impact Fee Appeals Board shall notify the applicant within fifteen (15) working days of the hearing and invite the applicant or the applicant's representative to attend the hearing.~~
- (c) ~~At the hearing, the Impact Fee Appeals Board shall provide the applicant, County staff, and any other interested persons, an opportunity to present testimony and evidence. The Impact Fee Appeals Board shall reverse the decision of the Impact Fee Coordinator only if there is substantial competent evidence in the record that the Impact Fee Coordinator erred from the standards in Sec. 10.1.K.~~

\* \* \*

3. **Time to Claim Credit -- Responsibility of Feepayer.** Any claim for credit as established in section 10.1.K.1. of this Ordinance must be made no later than at the time of building permit issuance. Any claim not so made shall be deemed waived.

Subpart. 21

Section 10.1.N, General; Action if impact fees are unpaid, is amended to add and delete language as follows:

1. **Cheek Negotiable Instrument is invalid.** In the event impact fee funds which were paid by check, draft or other negotiable instrument do not clear, the building permit or development order authorizing the development for which impact fees were paid shall be suspended. The local government which issued the building permit or development order, shall send by certified mail notice, to the applicant using a form provided by the County. If the impact fees, together with any charges for the checks not clearing, are not paid within ten (10) working days following mailing of the notice, the building permit or development order shall be of no further force and effect for purposes of this Code and a stop work order shall be issued and not lifted until such time as the fair share fees are paid.

Subpart. 22

Section 10.2.C, County District and Regional and Beach Park Impact Fee; Fee schedule, is amended as follows:

The fee schedule for County District, Regional and Beach parks is established in Tables 10.2-1 through 10.2-14. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the

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fee schedule are established at ~~no more than~~  
ninety-five (95) percent of the cost to accommodate  
the impact.

\* \* \*

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**TABLE 10.2-1**  
**PARKS AND RECREATION FEE SCHEDULE**  
**FOR UNINCORPORATED PALM BEACH COUNTY**

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 554.93	\$173.63	\$ 381.30	\$ 19.06	\$ 362.24
Dwelling unit, 801 - 1,399 sq. ft.	2.007	676.64	185.45	491.19	24.56	466.63
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	851.61	202.44	649.17	32.46	616.71
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	1,026.59	219.42	807.17	40.36	766.81
Dwelling unit, 2,600 sq. ft. and over	3.845	1,296.30	245.61	1050.69	52.53	998.16
Hotel/Motel Per Room	0.875	295.00	148.40	146.60	7.33	139.27

**TABLE 10.2-1**  
**PARKS AND RECREATION FEE SCHEDULE**  
**FOR UNINCORPORATED PALM BEACH COUNTY**

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 671.33	\$183.09	\$ 488.24	\$ 94.50	\$ 393.74
Dwelling unit, 801 - 1,399 sq. ft.	2.000	818.70	223.28	595.42	96.59	498.83
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	1,030.33	281.00	749.33	99.46	649.87
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	1,241.97	338.72	903.25	102.33	800.92
Dwelling unit, 3,600 sq. ft. and over	3.832	1,568.63	427.80	1,140.83	107.00	1,033.83
Hotel/Motel Per Room	0.875	358.18	97.69	260.49	90.91	169.58

**TABLE 10.2-2**  
**PARKS AND RECREATION FEE SCHEDULE**  
**FOR SCHEDULE "A" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 554.93	\$176.63	\$ 381.30	\$ 19.06	\$ 362.24
Dwelling unit, 801 - 1,399 sq. ft.	2.007	676.64	185.45	491.19	24.56	466.63
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	851.61	202.44	649.17	32.46	616.71
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	1,026.59	219.42	807.17	40.36	766.81
Dwelling unit, 2,600 sq. ft. and over	3.845	1,296.30	245.61	1050.69	52.53	998.16
Hotel/Motel Per Room	0.875	295.00	148.40	146.60	7.33	139.27

\*Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, Golf Village, Golfview, Haverhill, Hypoluxo, Lake Clark Shores, and Mangonia Park.

**TABLE 10.2-2**  
**PARKS AND RECREATION FEE SCHEDULE**  
**FOR SCHEDULE "A" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 671.33	\$183.09	\$ 488.24	\$ 94.50	\$ 393.74
Dwelling unit, 801 - 1,399 sq. ft.	2.000	818.70	223.28	595.42	96.59	498.83
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	1,030.33	281.00	749.33	99.46	649.87
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	1,241.97	338.72	903.25	102.33	800.92
Dwelling unit, 3,600 sq. ft. and over	3.832	1,568.63	427.80	1,140.83	107.00	1,033.83
Hotel/Motel Per Room	0.875	358.18	97.69	260.49	90.91	169.58

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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\*Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, Golf Village, Golfview, Haverhill, Hypoluxo, Lake Clark Shores, and Mangonia Park.

**TABLE 10.2-3**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "B" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 529.23	\$173.63	\$ 355.60	\$ 17.78	\$ 337.82
Dwelling unit, 801 - 1,399 sq. ft.	2.007	645.30	185.45	459.85	22.99	436.86
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	812.17	202.44	609.73	30.49	579.24
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	979.05	219.42	759.63	37.98	721.65
Dwelling unit, 2,600 sq. ft. and over	3.845	1,236.27	245.61	990.66	49.53	941.13
Hotel/Motel Per Room	0.875	281.33	148.40	132.93	6.65	126.28

\*Schedule "B" municipalities consist of Greenacres, Lake Park, and Palm Springs.

**TABLE 10.2-3**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "B" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 630.44	\$183.09	\$ 447.35	\$ 82.15	\$ 365.20
Dwelling unit, 801 - 1,399 sq. ft.	2.000	768.83	223.28	545.55	81.52	464.03
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	967.58	281.00	686.58	80.50	606.08
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	1,166.32	338.72	827.60	79.46	748.14
Dwelling unit, 3,600 sq. ft. and over	3.832	1,473.08	427.80	1,045.28	78.11	967.17
Hotel/Motel Per Room	0.875	336.36	97.69	238.67	84.29	154.38

\*Schedule "B" municipalities consist of Greenacres, Lake Park, and Palm Springs.

**TABLE 10.2-4**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "C" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 503.54	\$173.63	\$ 329.91	\$ 16.50	\$ 313.41
Dwelling unit, 801 - 1,399 sq. ft.	2.007	613.98	185.45	428.53	21.43	407.10
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	772.75	202.44	570.31	28.52	541.79
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	931.53	219.42	712.11	35.61	676.50
Dwelling unit, 2,600 sq. ft. and over	3.845	1,176.26	245.61	930.65	46.53	884.12
Hotel/Motel Per Room	0.875	267.68	148.40	119.28	5.96	113.32

\*Schedule "C" municipalities consist of Palm Beach Gardens and Royal Palm Beach.

**TABLE 10.2-5**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "E" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 452.15	\$173.63	\$ 278.52	\$ 13.93	\$ 264.59
Dwelling unit, 801 - 1,399 sq. ft.	2.007	551.31	185.45	365.86	18.29	347.57
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	693.88	202.44	491.44	24.57	466.87

Highlighted language (e.g., the) indicates proposed new language.  
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Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	836.44	219.42	617.02	30.85	586.17
Dwelling unit, 2,600 sq. ft. and over	3.845	1,056.20	245.61	810.59	40.53	770.06
Hotel/Motel Per Room	0.875	240.36	148.40	91.96	4.60	87.36

\*Schedule "E" municipality consists of West Palm Beach.

**TABLE 10.2-5**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "E" MUNICIPALITY\***

Land Use Type	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.640	\$ 507.77	\$183.09	\$ 324.68	\$ 45.07	\$ 279.61
Dwelling unit, 801 - 1,399 sq. ft.	2.000	619.23	223.28	395.95	36.28	359.67
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	779.30	281.00	498.30	23.57	474.73
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	939.37	338.72	600.65	30.03	570.62
Dwelling unit, 3,600 sq. ft. and over	3.832	1,186.44	427.80	758.64	0.00	758.64
Hotel/Motel Per Room	0.875	270.91	97.69	173.22	64.39	108.83

\*Schedule "E" municipality consists of West Palm Beach, Royal Palm Beach and Palm Beach Gardens.

**TABLE 10.2-6**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "F" MUNICIPALITIES\***

Land Use Type	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	5% Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.646	\$ 506.66	\$173.63	\$ 333.03	\$ 16.65	\$ 316.38
Dwelling unit, 801 - 1,399 sq. ft.	2.007	617.78	185.45	432.33	21.62	410.71
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	777.53	202.44	575.09	28.75	546.34
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	937.29	219.42	717.87	35.89	681.98
Dwelling unit, 2,600 sq. ft. and over	3.845	1,183.54	245.61	937.93	46.90	891.03
Hotel/Motel Per Room	0.875	269.34	148.40	120.94	6.05	114.89

\*Schedule "F" municipalities consist of Gulfstream, Highland Beach, Manalapan, and South Palm Beach.

**TABLE 10.2-6**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "F" MUNICIPALITIES\***

Land Use Type	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.640	\$ 620.59	\$183.09	\$ 437.50	\$ 90.84	\$ 346.66
Dwelling unit, 801 - 1,399 sq. ft.	2.000	756.81	223.28	533.53	92.11	441.42
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	952.45	281.00	671.45	93.83	577.62
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	1,148.09	338.72	809.37	95.54	713.83
Dwelling unit, 3,600 sq. ft. and over	3.832	1,450.05	427.80	1,022.25	98.41	923.84
Hotel/Motel Per Room	0.875	331.11	97.69	233.42	88.90	144.52

\*Schedule "F" municipalities consist of Gulfstream, Highland Beach, Manalapan, and South Palm Beach.

**TABLE 10.2-7**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "I" MUNICIPALITY\***

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 429.57	\$173.63	\$ 255.94	\$ 12.80	\$ 243.14
Dwelling unit, 801 - 1,399 sq. ft.	2.007	523.79	185.45	338.34	16.92	321.42
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	659.24	202.44	456.80	22.84	433.96
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	794.68	219.42	575.26	28.76	546.50
Dwelling unit, 2,600 and Over sq. ft.	3.845	1,003.47	245.61	757.86	37.89	719.97
Hotel/Motel Per Room	0.875	228.36	148.40	79.96	4.00	75.96

\*Schedule "I" municipality consists of Tequesta.

**TABLE 10.2-7**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "I" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 497.91	\$183.09	\$ 314.82	\$ 53.76	\$ 261.06
Dwelling unit, 801 - 1,399 sq. ft.	2.000	607.21	223.28	383.93	46.88	337.05
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	764.17	281.00	483.17	36.91	446.26
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	921.13	338.72	582.41	26.93	555.48
Dwelling unit, 3,600 and Over sq. ft.	3.832	1,163.41	427.80	735.61	36.78	698.83
Hotel/Motel Per Room	0.875	265.65	97.69	167.96	69.00	98.96

\*Schedule "I" municipality consists of Tequesta.

**TABLE 10.2-8**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "J" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 403.87	\$173.63	\$ 230.24	\$ 11.51	\$ 218.73
Dwelling unit, 801 - 1,399 sq. ft.	2.007	492.45	185.45	307.00	15.35	291.65
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	619.80	202.44	417.36	20.87	396.49
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	747.14	219.42	527.72	26.39	501.33
Dwelling unit, 2,600 sq. ft. and over	3.845	943.44	245.61	697.83	34.89	662.94
Hotel/Motel Per Room	0.875	214.70	148.40	66.30	3.31	62.99

\*Schedule "J" municipality consists of North Palm Beach.

**TABLE 10.2-8**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "I" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 457.02	\$183.09	\$ 273.93	\$ 41.40	\$ 232.53
Dwelling unit, 801 - 1,399 sq. ft.	2.000	557.34	223.28	334.06	31.81	302.25
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	701.41	281.00	420.41	21.02	399.89
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	845.48	338.72	506.76	25.34	481.42
Dwelling unit, 3,600 sq. ft. and over	3.832	1,067.86	427.80	640.06	32.00	608.06
Hotel/Motel Per Room	0.875	243.84	97.69	146.15	62.37	83.78

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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\*Schedule "J" municipality consists of North Palm Beach.

**TABLE 10.2-9**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "K" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 458.39	\$173.63	\$ 284.76	\$ 14.24	\$ 270.52
Dwelling unit, 801 - 1,399 sq. ft.	2.007	558.92	185.45	373.47	18.67	354.80
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	703.46	202.44	501.02	25.05	475.97
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	847.99	219.42	628.57	31.43	597.14
Dwelling unit, 2,600 sq. ft. and over	3.845	1,070.78	245.61	825.17	41.26	783.91
Hotel/Motel Per Room	0.875	243.68	148.40	95.28	4.76	90.52

\*Schedule "K" municipality consists of Ocean Ridge.

**TABLE 10.2-9**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "K" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 569.82	\$183.09	\$ 386.73	\$ 87.16	\$ 299.57
Dwelling unit, 801 - 1,399 sq. ft.	2.000	694.91	223.28	471.63	87.62	384.01
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	874.54	281.00	593.54	88.18	505.36
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	1,054.17	338.72	715.45	88.73	626.72
Dwelling unit, 3,600 sq. ft. and over	3.832	1,331.44	427.80	903.64	89.80	813.84
Hotel/Motel Per Room	0.875	304.02	97.69	206.33	86.86	119.47

Schedule "K" municipality consists of Ocean Ridge.

**TABLE 10.2-10**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "P" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 355.60	\$173.63	\$ 181.97	\$ 9.10	\$ 172.87
Dwelling unit, 801 - 1,399 sq. ft.	2.007	433.59	185.45	248.14	12.41	235.73
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	545.72	202.44	343.28	17.16	326.12
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	657.84	219.42	438.42	21.92	416.50
Dwelling unit, 2,600 sq. ft. and over	3.845	830.67	245.61	585.06	29.25	555.81
Hotel/Motel Per Room	0.875	189.04	148.40	40.64	2.03	38.61

\*Schedule "P" municipalities consist of Briny Breezes, Juno Beach, Jupiter Inlet Colony, and Palm Beach Shores.

**TABLE 10.2-10**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "P" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 406.26	\$183.09	\$ 223.17	\$ 37.72	\$ 185.45

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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Dwelling unit, 801 - 1,399 sq. ft.	2.000	495.43	223.28	272.15	27.31	244.84
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	623.50	281.00	342.50	17.13	325.37
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	751.57	338.72	412.85	20.64	392.21
Dwelling unit, 3,600 sq. ft. and over	3.832	949.25	427.80	521.45	26.07	495.38
Hotel/Motel Per Room	0.875	216.75	97.69	119.06	60.34	58.72

\*Schedule "P" municipalities consist of Briny Breezes, Juno Beach, Jupiter Inlet Colony, and Palm Beach Shores.

**TABLE 10.2-11**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "U" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 361.84	\$173.63	\$ 188.21	\$ 9.41	\$ 178.80
Dwelling unit, 801 - 1,399 sq. ft.	2.007	441.20	185.45	255.75	12.79	242.96
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	555.30	202.44	352.86	17.64	335.22
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	669.39	219.42	449.87	22.50	427.47
Dwelling unit, 2,600 sq. ft. and over	3.845	845.26	245.61	599.65	29.98	569.67
Hotel/Motel Per Room	0.875	192.35	148.40	43.95	2.20	41.75

\*Schedule "U" municipality is Lantana.

**TABLE 10.2-11**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "U" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 468.31	\$183.09	\$ 285.22	\$ 79.81	\$ 205.41
Dwelling unit, 801 - 1,399 sq. ft.	2.000	571.11	223.28	347.83	78.65	269.18
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	718.75	281.00	437.75	76.90	360.85
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	866.38	338.72	527.66	75.14	452.52
Dwelling unit, 3,600 sq. ft. and over	3.832	1,094.26	427.80	666.46	72.59	593.87
Hotel/Motel Per Room	0.875	249.86	97.69	152.17	82.81	69.36

\*Schedule "U" municipality is Lantana.

**TABLE 10.2-12**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "W" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons</u> <u>Per Unit</u>	<u>Cost</u> <u>Per Unit</u>	<u>Credits</u>	<u>Park</u> <u>Impact Fee</u>	<u>5%</u> <u>Discount</u>	<u>Net Park</u> <u>Impact Fee</u>
Dwelling unit, 800 sq. ft. or under	1.646	\$ 310.46	\$173.63	\$ 136.83	\$ 6.84	\$ 129.99
Dwelling unit, 801 - 1,399 sq. ft.	2.007	378.55	185.45	193.10	9.65	183.45
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	476.44	202.44	274.00	13.70	260.30
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	574.33	219.42	354.91	17.75	337.16
Dwelling unit, 2,600 sq. ft. and over	3.845	725.22	245.61	479.61	23.98	455.63
Hotel/Motel Per Room	0.875	165.04	148.40	16.64	.83	15.81

\*Schedule "W" municipalities consist of Jupiter and Riviera Beach.

**TABLE 10.2-12**  
**PARKS AND RECREATION FEE SCHEDULE FOR**

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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**SCHEDULE "W" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons Per Unit</u>	<u>Cost Per Unit</u>	<u>Credits</u>	<u>Park Impact Fee</u>	<u>Discount</u>	<u>Net Park Impact Fee</u>
Dwelling unit, 800 sq. ft. or under	1.640	\$ 386.53	\$183.09	\$ 203.44	\$ 55.09	\$ 148.35
Dwelling unit, 801 - 1,399 sq. ft.	2.000	471.38	223.28	248.10	48.49	199.61
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	593.23	281.00	312.23	38.95	273.28
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	715.08	338.72	376.36	29.40	346.96
Dwelling unit, 3,600 sq. ft. and over	3.832	903.16	427.80	475.36	23.77	451.59
Hotel/Motel Per Room	0.875	206.23	97.69	108.54	69.55	38.99

\*Schedule "W" municipalities consist of Jupiter and Riviera Beach.

**TABLE 10.2-13  
PARKS AND RECREATION FEE SCHEDULE FOR  
SCHEDULE "X" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons Per Unit</u>	<u>Cost Per Unit</u>	<u>Credits</u>	<u>Park Impact Fee</u>	<u>5% Discount</u>	<u>Net Park Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 284.76	\$173.63	\$ 111.13	\$ 5.56	\$ 105.57
Dwelling unit, 801 - 1,399 sq. ft.	2.007	347.21	185.45	161.76	8.09	153.67
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	437.00	202.44	234.56	11.73	222.83
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	526.79	219.42	307.37	15.37	292.00
Dwelling unit, 2,600 sq. ft. and Over	3.845	665.19	245.61	419.58	20.98	398.60
Hotel/Motel Per Room	0.875	151.38	148.40	2.98	.15	2.83

\*Schedule "X" municipality is Palm Beach.

**TABLE 10.2-13  
PARKS AND RECREATION FEE SCHEDULE FOR  
SCHEDULE "X" MUNICIPALITY\***

<u>Land Use Type</u>	<u>Persons Per Unit</u>	<u>Cost Per Unit</u>	<u>Credits</u>	<u>Park Impact Fee</u>	<u>Discount</u>	<u>Net Park Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.640	\$ 345.64	\$183.09	\$ 162.55	\$ 42.73	\$ 119.82
Dwelling unit, 801 - 1,399 sq. ft.	2.000	421.51	223.28	198.23	33.42	164.81
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	530.47	281.00	249.47	19.98	229.49
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	639.43	338.72	300.71	15.04	285.67
Dwelling unit, 3,600 sq. ft. and Over	3.832	807.61	427.80	379.81	13.99	360.82
Hotel/Motel Per Room	0.875	184.41	97.69	86.72	62.92	23.80

\*Schedule "X" municipality is Palm Beach.

**TABLE 10.2-14  
PARKS AND RECREATION FEE SCHEDULE FOR  
SCHEDULE "Y" MUNICIPALITIES\***

<u>Land Use Type</u>	<u>Persons Per Unit</u>	<u>Cost Per Unit</u>	<u>Credits</u>	<u>Park Impact Fee</u>	<u>5% Discount</u>	<u>Net Park Impact Fee</u>
Dwelling unit, 800 sq. ft. and under	1.646	\$ 259.06	\$173.63	\$ 85.43	\$ 4.27	\$ 81.16
Dwelling unit, 801 - 1,399 sq. ft.	2.007	315.88	185.45	130.43	6.52	123.91
Dwelling unit, 1,400 - 1,999 sq. ft.	2.526	397.56	202.44	195.12	9.76	185.36
Dwelling unit, 2,000 - 2,599 sq. ft.	3.045	479.24	219.42	259.82	12.99	246.83
Dwelling unit, 2,600 sq. ft. and over	3.845	605.15	245.61	359.54	17.98	341.56
Hotel/Motel Per Room	0.875	137.71	148.40	0.00	0.00	0.00

Highlighted language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

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~~\*Schedule "Y" municipalities consist of Boca District, Boynton Beach, Delray Beach and Lake Worth.~~

**TABLE 10.2-14**  
**PARKS AND RECREATION FEE SCHEDULE FOR**  
**SCHEDULE "Y" MUNICIPALITIES\***

Land Use Type	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.640	\$ 304.74	\$183.09	\$ 121.65	\$ 30.37	\$ 91.28
Dwelling unit, 801 - 1,399 sq. ft.	2.000	371.64	223.28	148.36	18.34	130.02
Dwelling unit, 1,400 - 1,999 sq. ft.	2.517	467.71	281.00	186.71	9.34	177.37
Dwelling unit, 2,000 - 3,599 sq. ft.	3.034	563.78	338.72	225.06	11.25	213.61
Dwelling unit, 3,600 sq. ft. and over	3.832	712.06	427.80	284.26	14.21	270.05
Hotel/Motel Per Room	0.875	162.59	97.69	64.90	48.67	16.23

~~\*Schedule "Y" municipalities consist of Boca District, Boynton Beach, Delray Beach, and Lake Worth, and Jupiter.~~

Subpart. 23

Section 10.3.B, Fire Rescue Impact Fee; Fee schedule, is amended as follows:

The fee schedule for fire-rescue services is established in Table 10.3-1. Land uses in the fee schedule shall be as defined in Sec. 195.073, Fla. Stat. and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than ninety-five (95) percent of the cost to accommodate the impact.

Subpart. 24

Section 10.4.B, Library Impact Fee; Fee schedule, is amended as follows:

The fee schedule for library services is established in Table 10.4-1. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than ninety-five (95) percent of the cost to accommodate the impact.

Subpart. 25

Section 10.5.B, Law Enforcement Impact Fee; Fee schedule, is amended as follows:

The schedules for law enforcement services are established in Tables 10.5-1 and 10.5-2. Land uses in the fee schedule shall be as defined in Sec. 195.073, Fla. Stat. and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than ninety-five (95) percent of the cost to accommodate the impact.

**SEC. 10.5**

**LAW ENFORCEMENT IMPACT FEE.**

**TABLE 10.5-1**  
**LAW ENFORCEMENT FEE SCHEDULE FOR COUNTYWIDE SERVICES**  
**ZONE-1**

Land Use Type (Unit)	Functional Population	Cost Per Unit	Credits	<del>Law</del>		Net Law Enforcement
				<del>Enforcement</del>	<del>5%</del>	
				<del>Impact Fee</del>	<del>Discount</del>	<del>Impact Fee</del>
<b>Residential units by square footage</b>						
Dwelling units, 800 sq. ft. and Under	0.8230	\$ 6.92	\$ 2.34	\$ 4.58	\$ .23	\$ 4.35
Dwelling unit, 801 - 1,399 sq. ft.	1.0035	8.43	2.85	5.58	.28	5.30
Dwelling unit, 1,400 - 1,999 sq. ft.	1.2630	10.61	3.59	7.02	.35	6.67
Dwelling unit, 2,000 - 2,599 sq. ft.	1.5225	12.79	4.33	8.46	.42	8.04
Dwelling unit, 2,600 sq. ft. and Over	1.9225	16.15	5.46	10.69	.53	10.16
Hotel/Motel Per Room	0.3500	2.94	0.99	1.95	.10	1.85
<b>Non-Residential per 1,000 feet</b>						

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Office 100,000 & Under	1.1548	\$ 9.70	\$ 3.28	\$ 6.42	\$ .32	\$ 6.10
100,001 - 125,000	1.1298	9.49	3.21	6.28	.31	5.97
125,001 - 150,000	1.1048	9.28	3.14	6.14	.31	5.83
150,001 - 175,000	1.0798	9.07	3.07	6.00	.30	5.70
175,001 - 199,999	1.0548	8.86	3.00	5.86	.29	5.57
200,000 & Over	1.0298	8.65	2.93	5.72	.29	5.43
Medical Office	1.6759	14.08	4.76	9.32	.47	8.85
Warehouse Per 1,000 Ft. <sup>2</sup>	0.1935	1.63	0.55	1.08	.05	1.03
Gen. Industrial Per 1,000 Ft.	0.2321	1.95	0.66	1.29	.06	1.23

**Retail Per 1,000 Ft.<sup>2</sup>**

80,000 Ft. <sup>2</sup> & Under	1.8958	\$ 15.93	\$ 5.39	\$ 10.54	\$ .53	\$ 10.01
80,001 - 99,999	2.0838	17.51	5.92	11.59	.58	11.01
100,000 - 199,999	2.0948	17.60	5.95	11.65	.58	11.07
200,000 - 499,999	2.0116	16.90	5.72	11.18	.56	10.62
500,000 - 999,999	1.9212	16.14	5.46	10.68	.53	10.15
1,000,000 & Over	1.9015	15.98	5.41	10.57	.53	10.04

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**TABLE 10.5-1**  
**LAW ENFORCEMENT FEE SCHEDULE FOR COUNTYWIDE SERVICES**  
**ZONE 1**

<u>Land Use Type (Unit)</u>	<u>Functional Population</u>	<u>Cost Per Unit</u>	<u>Credits</u>	<u>Law Enforcement Impact Fee</u>	<u>Discount</u>	<u>Net Law Enforcement Impact Fee</u>
<b>Residential units by square footage</b>						
Dwelling units, 800 sq. ft. and Under	0.8200	\$ 1.98	\$ 2.05	\$ 0.00	\$ 0.00	\$ 0.00
Dwelling unit, 801 - 1,399 sq. ft.	1.0000	2.41	2.49	0.00	0.00	0.00
Dwelling unit, 1,400 - 1,999 sq. ft.	1.2590	3.04	3.14	0.00	0.00	0.00
Dwelling unit, 2,000 - 3,599 sq. ft.	1.5170	3.66	3.78	0.00	0.00	0.00
Dwelling unit, 3,600 sq. ft. and Over	1.9160	4.62	4.78	0.00	0.00	0.00
Hotel/Motel Per Room	0.3500	0.84	0.87	0.00	0.00	0.00
<b>Non-Residential per 1,000 feet</b>						
Office 100,000 & Under	1.1690	\$ 2.82	\$ 2.92	\$ 0.00	\$ 0.00	\$ 0.00
100,001 - 125,000	1.1020	2.66	2.75	0.00	0.00	0.00
125,001 - 150,000	0.9230	2.23	2.30	0.00	0.00	0.00
150,001 - 175,000	0.9040	2.18	2.25	0.00	0.00	0.00
175,001 - 199,999	0.8770	2.12	2.19	0.00	0.00	0.00
200,000 & Over	0.8590	2.07	2.14	0.00	0.00	0.00
Medical Office	1.6520	3.99	4.12	0.00	0.00	0.00
Warehouse Per 1,000 Ft. <sup>2</sup>	0.2610	0.63	0.65	0.00	0.00	0.00
Gen. Industrial Per 1,000 Ft.	0.5020	1.21	1.25	0.00	0.00	0.00
<b>Retail Per 1,000 Ft.<sup>2</sup></b>						
80,000 Ft. <sup>2</sup> & Under	1.9750	\$ 4.77	\$ 4.93	\$ 0.00	\$ 0.00	\$ 0.00
80,001 - 99,999	2.1070	5.08	5.26	0.00	0.00	0.00
100,000 - 199,999	2.1900	5.28	5.46	0.00	0.00	0.00
200,000 - 499,999	2.1890	5.28	5.46	0.00	0.00	0.00
500,000 - 999,999	2.2460	5.42	5.60	0.00	0.00	0.00
1,000,000 & Over	2.3000	5.55	5.74	0.00	0.00	0.00

**Subpart. 26**

Section 10.6.B, Public Buildings Impact Fee; Fee schedule, is amended as follows:

The fee schedule for public buildings is established in Table 10.6-1. Land uses in the fee schedule shall be as defined in Sec. 195.073, Fla. Stat. and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than ninety-five (95) percent of the cost to accommodate the impact.

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Subpart. 27

Section 10.7, School Site Acquisition Impact Fee, is amended to add and delete language as follows:

**SEC. 10.7 SCHOOL SITE ACQUISITION IMPACT FEE.**

- A. **Imposition of fee.** Impact fees are imposed upon all development creating an impact on school site requirements in accordance with Sec. 10.1.D and this section.
- B. **Fee schedule.** The fee schedules for school site impact fees are established in Table 10.7-1. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than ninety-five (95) percent of the cost to accommodate the impact.

Subpart. 28 School Fee Schedule as set forth in Table 10.7-1 is amended as follows:

**TABLE 10.7-1  
SCHOOL SITE FEE SCHEDULE**

<u>Residential Units by Square Footage</u>	<u>Average Total Occ.</u>	<u>Occupancy Ages 5-17</u>	<u>School Impact</u>	<u>School Impact Fee</u>	<u>5% Discount</u>	<u>Net School Impact Fee</u>
Dwelling unit, 800 sq.ft and under	1.646	0.119	0.098	\$ 101.17	\$ 5.06	\$ 96.11
Dwelling unit, 801 - 1,399 sq.ft.	2.007	0.174	0.143	147.63	7.38	140.25
Dwelling unit, 1,400 - 1,999 sq.ft.	2.526	0.441	0.363	374.75	18.74	356.01
Dwelling unit, 2,000 - 2,599 sq.ft.	3.045	0.708	0.583	601.87	30.09	571.78
Dwelling unit, 2,600 sq.ft. and over	3.845	1.138	0.937	967.32	48.37	918.95

**TABLE 10.7-1  
SCHOOL FEE SCHEDULE**

<u>Residential Units by Square Footage</u>	<u>Average Total Occ.</u>	<u>Occupancy Ages 5-17</u>	<u>School Impact</u>	<u>School Impact Fee</u>	<u>Discount</u>	<u>Net School Impact Fee</u>
Dwelling unit, 800 sq.ft and under	1.640	0.119	0.100	\$ 198.00	\$ 9.90	\$ 188.10
Dwelling unit, 801 - 1,399 sq.ft.	2.000	0.174	0.147	291.00	14.55	276.45
Dwelling unit, 1,400 - 1,999 sq.ft.	2.517	0.440	0.371	735.00	36.75	698.25
Dwelling unit, 2,000 - 3,599 sq.ft.	3.034	0.705	0.594	1177.00	58.85	1118.15
Dwelling unit, 3,600 sq.ft. and over	3.832	1.134	0.955	1892.00	94.60	1797.40

Subpart. 29

Section 10.7.C, School Impact Fee; Benefit zones, is amended to delete language as follows:

2. **Identification of benefit zones.** The school site impact fee benefit zones are identified in Figure 10.7-1. No school site impact fees shall be collected at this time in Benefit zone 5 because there is no identified need for additional school sites due to new development during the planning horizon on which this impact fee is based.

Subpart. 30  
as follows:

Section 10.7.E, School Impact Fee; Use of school impact fees, is amended to delete language

- E. **Use of school site impact fees.** School site impact fees shall be appropriated by the Board of County Commissioners and remitted to the School Board following the Clerk's pre-audit of such funds. The funds shall remain restricted to their respective School Board trust funds and the requirements of this article, and the School Board shall ensure that the funds are expended and accounted for in accordance with the provisions of this article. The County's internal auditor shall have the authority to require certain internal accounting controls and documentation, and shall have the authority to audit the expenditure of the funds. An intergovernmental agreement

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between Palm Beach County and the School Board shall be entered into to ensure compliance with, and to administer the provisions of, this article. The agreement shall provide that the School Board shall participate in defending litigation relating to this section.

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Subpart. 31  
to delete the following subsections:

Section 10.8, Fair Share Road Impact Fees; Independent fee calculation study, is amended

E. ~~Independent fee calculation study.~~

1. ~~General.~~ If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall, at the feepayer's expense, prepare and submit simultaneously to the Impact Fee Coordinator and the County Engineer an independent fee calculation study for the land use. The independent fee calculation study shall follow the methodology used for the calculation of road impact fees. The independent fee calculation study shall be conducted by a professional in impact analysis or a registered engineer. The burden shall be on the feepayer to provide the Impact Fee Coordinator and the County Engineer all relevant data, analysis and reports which would assist the Impact Fee Coordinator and the County Engineer in determining whether the impact fee should be adjusted. The Impact Fee Coordinator shall, upon recommendation of the County Engineer, adjust the impact fee if substantial evidence is submitted that clearly demonstrates that an adjustment is necessary under the methodology upon which the impact fee is based.
2. ~~Submission of application.~~ The application for an independent calculation study shall be submitted simultaneously to the Impact Fee Coordinator and the County Engineer.
3. ~~Contents of application.~~ The application shall be in a form established by the Impact Fee Coordinator and made available to the public. A feepayer wishing to perform an independent fee calculation study for road impact fees shall prepare a traffic impact analysis, which shall include, as appropriate, documentation of:
  - a. ~~trip generation rates appropriate for the proposed land use;~~
  - b. ~~trip distribution and traffic assignments;~~
  - c. ~~trip length data appropriate for the proposed land use; and~~
  - d. ~~any other trip data employed in the independent fee calculation that is appropriate for the proposed land development.~~
  - e. ~~An economic documentation study that includes documentation of:~~
    - (1) ~~costs for roadway construction, including the cost of right of way, design, and engineering appropriate for the necessary road improvements.~~
    - (2) ~~credits attributable to the proposed land use for roadway improvements which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development.~~
    - (3) ~~The shortfall when the credits attributable to the proposed land use are considered.~~
4. ~~Determination of sufficiency.~~ The Impact Fee Coordinator shall determine if the application is sufficient within five (5) working days of its receipt.
  - a. ~~If the Impact Fee Coordinator determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied.~~
  - b. ~~If the application is determined sufficient, the Impact Fee Coordinator shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.~~
5. ~~Action by Impact Fee Coordinator.~~

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- a. ~~Review by County Engineer.~~ Within fifteen (15) working days after the application is determined to be sufficient, the County Engineer shall review the application and, if the application provides substantial evidence that clearly demonstrates using the formulae described in this section that the proposed land use is designed or used such that the development will create fewer trips than projected in the road impact fee component, shall make a written recommendation to the Impact Fee Coordinator on adjusting the road impact fee. If the Impact Fee Coordinator concurs, the Impact Fee Coordinator shall appropriately adjust the fee within five (5) working days of receipt of the County Engineer's recommendation.
- b. ~~Responsibility of feepayer.~~ The burden shall be on the feepayer to provide all relevant data, analysis and reports which would assist the Impact Fee Coordinator and, in the case of roads, the County Engineer in making a determination of the appropriate impact fee. The analysis and report must be based on generally accepted methods and the formulas for the specific fee component in the Impact Fee Report, or in the case of roads, the methods and formulas described above in Sec. 10.8.D.
- c. ~~Decision in writing.~~ The decision of the Impact Fee Coordinator to adjust or to refuse to adjust the impact fee shall be in writing and shall be transmitted to the applicant by certified mail within five (5) days of the decision.
6. ~~Covenant running with the land.~~ The Impact Fee Coordinator shall require that a covenant running with the land be executed and recorded on the development's land in cases where:
  - a. The independent fee calculation is based on a use of land having a lesser impact than that upon which the schedule set forth in the fee component is based; or
  - b. The development could be put to a use having a greater impact than that proposed in the independent fee calculation study without being required to secure a permit or approval for the use; or
  - c. For such other reasons that make a covenant necessary to ensure compliance with this article.
7. ~~Appeal.~~ The decision of the Impact Fee Coordinator and the County Engineer may be appealed pursuant to Sec 10.1.F.7.

G. ~~Special provisions for road credits.~~

1. ~~General.~~ In lieu of paying the road impact fee, the feepayer may elect to propose funding the County's construction of a portion of the major road network system in addition to any required site related improvements. The feepayer shall submit the proposed construction along with a certified engineer's cost estimate to the Impact Fee Coordinator, with a copy to the County Engineer. The County Engineer shall determine if the proposed construction is a desirable and appropriate substitute for the road impact fee, based on the following criteria:
  - (1) The proposed road construction must be on the major road network;
  - (2) The proposed road construction must not be site related improvements;
  - (3) The proposed road construction must be required to meet the requirements of Traffic Performance Standards for the development as defined in Sec. 7.9.

Exceptions to criterion #3, above, may only be made upon approval of the board of County Commissioners. No exceptions shall be made to criteria #1 and #2.

If the proposed road construction meets the criteria for credit, the County Engineer shall determine the amount of credit to be given, and the timetable for completion of the proposed construction, and shall recommend the approval and the amount of credit to the Impact Fee Coordinator. The amount of credit shall be the amount approved by the County Engineer based upon the certified cost estimate for the creditable work. Where the proposed construction is a major project (defined as construction cost in excess of \$200,000) these funds shall be provided

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to Palm Beach County. Using these funds, the project shall be administered as to plans, right of way and construction by Palm Beach County. This procedure whereby the construction of major thoroughfare plan projects will be accomplished by Palm Beach County may be waived only by the Board of County Commissioners upon the recommendation of the County Engineer.

2. ~~Credits for construction within site.~~ Where a proposed major road network runs through a development and where the feepayer is required to construct two (2) lanes of the road, the feepayer may elect, upon submission of a certified cost estimate to the Impact Fee Coordinator and upon the recommendation of the County Engineer and the approval of the Impact Fee Coordinator, to construct more than two (2) lanes and receive credit for the additional cost of the additional lanes constructed. In addition to all other site-related improvements, the primary two (2) lanes within the site's boundaries shall be considered site-related.
3. ~~Other costs credited.~~
  - a. ~~Off site right of way acquisition.~~ The cost of major road network rights of way acquired at the cost of the feepayer shall be credited where the right of way is outside of the site and not site-related. The costs shall be approved by the County Engineer and the Impact Fee Coordinator based upon the appraised value of the land acquired. The credit shall not exceed the appraiser's approved value, except in the event that a settlement of, or in lieu of, condemnation results in payment in excess of the appraiser's value, in which case credit shall not exceed the amount paid. Cost incurred by Palm Beach County in acquiring such off site right of way which are paid for by the feepayer shall be credited to the feepayer.
  - b. ~~Plan preparation.~~ Costs of plan preparation for major road network construction, excluding site-related improvements, shall be credited if approved by the County Engineer and the Impact Fee Coordinator based upon reasonable costs associated with the preparation of such plans.
  - c. ~~Costs creditable.~~ Credit shall be given only for the cost of plans preparation, off site right of way acquisition, or construction/construction funding.

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**PART 3. CAPTIONS**

The captions, sections headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

**PART 4. REPEAL OF LAWS IN CONFLICT**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

**PART 5. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

**PART 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provision of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the work "ordinance" may be changed to "section," "article," or any other appropriate word.

**PART 7. EFFECTIVE DATE**

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21st day of March 19 95.

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By [Signature] Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

[Signature]  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
Board of County Commissioners  
By [Signature]  
DEPUTY CLERK



Acknowledgement by this Department of State of the State of Florida, on this, the 31st day of March, 19 95.

Acknowledgment from the Department of State received on the 3rd day of April, 19 95, at 3:40P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

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